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COMMISSION ON HUMAN RIGHTS

Forty-eighth session

SUMMARY RECORD OF THE 35th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 20 February 1992, at 10 a.m.

Chairman: Mr. SOLT (Hungary)

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The meeting was called to order at 10.20 a.m.

STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

1. The CHAIRMAN welcomed the United Nations High Commissioner for Refugees and invited her to address the Commission.

2. Mrs. OGATA (United Nations High Commissioner for Refugees) said that mass movements of people posed a major humanitarian challenge in all regions of the world. The refugee and migration pressures caused by political, economic, demographic and ecological trends called for strengthened multilateral cooperation to develop appropriate responses. The Commission on Human Rights clearly had a major role to play in fostering such multilateral cooperation.

3. For its part, UNHCR had seen its traditional role of protecting refugees evolve over the years and it was increasingly engaged in protecting and assisting victims of violence. In fact, the vast majority of refugees had left their countries because their lives, security or liberty were threatened by generalized violence, war or internal conflict. UNHCR was also being asked with increasing frequency to assume humanitarian responsibilities for persons displaced within their own countries.

4. There was a clear connection between the responsibilities of UNHCR and the Commission's expertise, since human rights formed the overall basis for the protection of and assistance to refugees and was the key to finding solutions for refugee problems. Moreover, human rights violations, combined with severe economic deprivation, usually lay at the root of the conflicts which were the prime cause of refugee flows. The challenge to the international community was to turn the recognition of that fact into a practical strategy.

5. With the increasing emphasis in the United Nations on preventive diplomacy, UNHCR should also focus on preventing the circumstances which forced people to leave their homes. Consequently, while not relinquishing its traditional protection role in countries of asylum, UNHCR was increasingly turning its attention to activities in the countries in which refugee flows originated. One of the greatest concerns of her Office was the growing prevalence of xenophobic and racist actions in many countries, which represented a profound political and human rights challenge to Governments and to the international community as a whole.

6. At the same time, many preventive strategies could and should be pursued before people began to flee. Such strategies included human rights monitoring by the international community, the provision of advisory services, the establishment of national or regional structures for protecting minority rights, the promotion of mediation as a means of conflict resolution, and encouraging tolerance for diversity and respect for human rights generally. Her Office was prepared to commit resources, particularly to monitoring and to promoting national legislative and administrative infrastructures which were solidly based on respect for human rights.

7. The success of preventive strategies would depend, in part, on the effectiveness of early warning of developing problems. In that regard, her Office was actively cooperating with the Organization's efforts to develop an early-warning mechanism incorporating appropriate follow-up procedures.

8. A new challenge for UNHCR was to devise methods to meet the security and protection needs of individuals prior to departure, so as to obviate the need for flight. Such in-country protection should be feasible, provided that it was fully consonant with international human rights standards, including the right of individuals to leave their own country, to seek and enjoy asylum or return on a voluntary basis and not be compelled to remain in a territory where life, liberty or physical integrity was threatened. In that respect, it might be of interest to evaluate the United Nations experience in Yugoslavia.

9. Turning to solutions, she believed that the Commission had a major role to play in assisting States and her Office to achieve the most feasible and preferable solution to refugee situations - that of voluntary repatriation. To return home in safety and dignity was the deep-seated and firm desire of the large majority of uprooted people. UNHCR was actively pursuing voluntary repatriation possibilities which had been opened up by the resolution of many regional and internal conflicts.

10. The role of the United Nations in monitoring the safety of returnees was, however, crucial, particularly when refugees returned to areas where security was still fragile, as in northern Iraq. On occasion, repatriated communities had been the object of direct aggression by military forces and the Commission should seek to complement the efforts of UNHCR to promote the dignity and safety of returnees.

11. Linked to the problem of returning refugees was the situation of those who were internally displaced. The work of her Office with returnees had clearly shown the substantial commonality of protection problems experienced by repatriated refugees and the internally displaced. That experience had shown that the protection of internally displaced persons was a key factor in the prevention of refugee flows and in ensuring the durability of voluntary repatriation and the reintegration of the returnees.

12. She thus hoped that the Commission would agree on an appropriate follow-up mechanism to enhance the protection of the internally displaced. In that context, there was need to examine how to structure a mandate for international protection of and assistance to the victims, how to ensure humanitarian access to those in need, without ignoring the issue of sovereignty, and how to protect aid workers so that the task of saving lives did not have to wait for political resolution of a conflict.

13. Another area where there was scope for establishing a meaningful relationship between UNHCR and the Commission was in regard to the problems of minorities. The Commission had long been concerned with minorities, many of whom were displaced by conflict, and had made great strides in protecting their human rights. In that connection, the draft declaration on the rights of minority groups was an encouraging development in the process of

standard-setting. In fact, the problems of minorities were at the heart of many forced movements of populations and must be addressed if such flows were to be averted in future.

14. Reliable information on situations which caused population movements was also vital for the work of United Nations bodies. Towards that end, all special rapporteurs and working groups of the Commission could be requested to focus to some extent on circumstances that created refugee flows. The Commission might also wish to consider whether its existing mechanisms in that field were adequate or whether a more direct focus on refugee-generating situations would be desirable through the establishment of a specialized reporting mechanism.

15. Similarly, the Commission could encourage human rights treaty bodies to include in their evaluation process examination of human rights violations causing persons to become refugees or to be displaced or preventing their return. In considering specific country situations under agenda item 12, members of the Commission might also choose to highlight situations which produced flows of refugees and displaced persons or which prevented their return home.

16. In the area of standard-setting, acknowledgement by the Commission of the customary and binding nature of the international legal principle of non-refoulement would be a valuable expression of international solidarity and understanding. The Commission could also supplement the efforts of her Office to encourage States to accede to the Convention Relating to the Status of Refugees and the Protocol Relating to the Status of Refugees. In addition, it might also consider the possibility of including in its agenda a new item which would allow a more thorough and focused examination of human rights violations and population displacements. In that connection, her Office planned to institutionalize the preparation of a regular report on the state of the world's refugees.

17. The Commission might also wish to consider how refugees and displaced persons might be put on the agenda of the 1993 World Conference on Human Rights. UNHCR took the view that such issues as the right to freedom of movement and the right to a nationality should be included in that agenda. It also suggested, that the World Conference should reflect on the topic of human rights and mass exoduses, particularly with regard to the responsibilities of countries from which people were forced to flee.

18. Lastly, non-governmental organizations had an indispensable role to play in preventing and resolving refugee problems. UNHCR relied on the cooperation of the NGOs in many different ways and would continue to explore new modes of such cooperation, particularly with regard to solution- and prevention-oriented activities.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(b) SITUATION OF HUMAN RIGHTS IN OCCUPIED KUWAIT
(agenda item 12) (continued) (E/CN.4/1992/3, 4, 25, 26, 27 and Corr.1, 28 and Add.1, 29, 30 and Add.1, 31, 32, 34-37, 60, 64, 67 and 68; E/CN.4/1992/CRP.1; E/CN.4/1992/NGO/2, 5, 10, 13, 19, 24 and 34; E/CN.4/1991/24, 27-31, 33 and Add.1, and 34-36; A/46/446, 529, 542, 544 and Corr.1, 606 and 647)

19. Mr. van der STOEL (Special Rapporteur on the situation of human rights in Iraq) said that all the information he had collected as the Commission's Special Rapporteur confirmed the judgement reflected in the Commission's resolution adopted on 6 March 1991 expressing its grave concern at flagrant violations of human rights by the Government of Iraq. Summary executions and the arbitrary detention of political and religious opponents of the regime had been practised throughout the 1980s, and were continuing on a large scale. Enforced or involuntary disappearances occurred frequently, and torture was still being used to extract confessions.

20. It was difficult to estimate the number of persons who had disappeared in Iraq during the past decade. He had so far been supplied with more than 17,000 names, and that number was likely to increase considerably in the months to come as further information was received. Since many people were unable to provide information about relatives and friends who had disappeared, or did not dare to do so, it was no exaggeration to say that many tens of thousands of people had disappeared, and the Kurds in Iraq alone put the number of people they had lost through disappearances at around 180,000. While that figure might seem wildly exaggerated, it was becoming less and less unrealistic.

21. There was still greater reason for alarm regarding disappearances in Iraq in that, even though the Working Group on Enforced or Involuntary Disappearances had transmitted details of 3,874 individual cases to the Government of Iraq, the Government had seen fit to respond to a mere 206 cases, and had clarified only 70 of them. His own report (E/CN.4/1992/31) also proved that, over the past decade, there had been frequent summary executions, often on a large scale.

22. There was particularly shocking evidence to indicate that thousands of Kurdish and Assyrian villages had been destroyed and that, in the years preceding the Gulf conflict, such villages had been subjected to chemical attacks.

23. Other elements of the population had also been subjected to measures of repression, and his report included references to persecution of the Turkomans. There had also been disturbing accounts of violations of the human rights of the Shi'as, and particularly of their right to practise their religion. The Government had been waging a concerted attack against the Shi'a clergy, whose numbers had been reduced from eight to nine thousand 20 years previously to some 800 before the uprisings of 1991. It was alleged that

virtually all of them were currently under arrest or had disappeared, as the Government sought to destroy Shi'a culture by wiping out its traditional leaders.

24. Massive evidence was available concerning the widespread use of torture, often in its most cruel forms. Travelling in his capacity as Special Rapporteur, he had talked to many persons who had themselves suffered from such practices and photographic evidence was in his possession.

25. He had therefore concluded that, apart from privileged groups such as the members of the ruling Baath party or the security forces, all sections of the Iraqi population had been subjected to severe repressive measures. When visiting Iraq in January 1992, he had hoped to detect signs that the Government was taking practical steps towards an improvement of the human rights situation, but he had regretfully concluded that so far no evidence of such progress was forthcoming.

26. The Government of Iraq had repeatedly stated that human rights had been adversely affected by the abnormal circumstances facing the country. That called for three comments. Firstly, by making such an assertion, the Government implicitly recognized that the human rights situation in the country was not as it should be. Secondly, abnormal circumstances could never justify what tens of thousands of Iraqi citizens had had to suffer, namely, arbitrary punishment and execution, chemical attacks and torture. Finally, it was evident from his conversation with the Deputy Prime Minister that the latter felt that special circumstances still prevailed, notwithstanding the end of the Gulf conflict. In other words, the Iraqi Government felt that its current policy concerning human rights must be continued, at least until solutions had been found to the problems of the Kurds and of the embargo. Since Kurds were being asked to accept the restoration of the rule of the security forces on the territory they currently controlled, and since Iraq had recently broken off the negotiations on a "food for oil" formula, the prospects for progress on both those issues seemed to be very remote.

27. Even if the embargo were lifted and a mutually acceptable formula for Kurdish autonomy found, the fundamental problem remained that the entire structure of the State was subordinated to one aim, namely, to secure the unrestricted rule of the Baath party and its leader, Saddam Hussein. All real power was vested in the hands of the Revolution Command Council, of which Saddam Hussein was also President. The Council, which could issue decrees with the force of law, had absolute control over the security apparatus, which often exceeded its mandate. Only if radical changes were made in that system could human rights be restored in Iraq.

28. The Commission must also consider the mentality of the current rulers of Iraq, who made no secret of their determination to be ruthless if they felt that ruthlessness were required. That had become evident from statements made by the Deputy Prime Minister in a conversation with the Special Rapporteur and by the Minister of Defence in a recorded conversation whose authenticity had been confirmed.

29. It was against the background of such ruthlessness that the Special Rapporteur felt bound to express his great concern about the situation in the southern marshes, where strong Iraqi forces were concentrated with a view to subduing those still opposing the central Government. It was to be hoped that some kind of permanent United Nations presence could be established in the area to reduce the danger of a further blood bath.

30. While his criticism of the Iraqi regime was undoubtedly severe, he assured the members of the Commission that he had been extremely careful in assembling his evidence, and had rejected some of it on the grounds that he did not feel sufficiently confident of its reliability. He had also been careful to use the international human rights instruments to which Iraq itself was a party as the sole criterion for the admissibility of evidence.

31. In its answers to his questions, the Government of Iraq had stressed the importance of the various amnesties it had decreed, but their significance remained restricted inasmuch as the system of arbitrary arrests of persons distrusted by the security services continued. Nor was there any reason to see the new Political Parties Act as a step towards liberalization: the restrictions on any new party were such that it could survive only as a satellite of the Baath party.

32. In its reply, the Government of Iraq continued to argue that many allegations were not sufficiently specific to justify investigations by the authorities. That argument was unconvincing, since the circumstances in which human rights violations occurred were often such that potentially relevant information could not be collected by the victim. Secondly, he had often been able to provide enough information to enable the Iraqi authorities to begin an investigation and had no hesitation in saying that each of his conclusions had a firm basis of evidence.

33. In his report, he had made a number of concrete recommendations concerning steps to improve the human rights situation in Iraq which he hoped the Commission would urge the Government of Iraq to accept. It would be a major step forward if dialogue could be established with the Iraqi Government regarding their implementation. He also recommended a step which, to his knowledge, no Special Rapporteur had previously recommended, namely, the sending to Iraq of a team of human rights monitors. An exceptional measure of that kind could be justified only in a human rights situation of exceptional gravity such as that prevailing in Iraq: Iraqi citizens were in daily danger of losing their lives and mere condemnations were not enough.

34. If the Government of Iraq could be persuaded to accept the monitors on the terms described in the final chapter of the report, some protection might be afforded to the thousands who were currently in constant danger. It might also be a first indication that the Government was willing to reconsider its human rights policy. If, on the other hand, it were to refuse to accept the monitors, that would have to be considered as a clear indication that the existing policy of repression would continue unabated. The question would then arise whether the continuation of such massive and flagrant violations of the various human rights conventions to which Iraq was a party did not constitute a clear refusal to implement Security Council resolution 688 (1991). That, however, was a question for the Security Council itself to decide.

35. Finally, he expressed the hope that the Iraqi Government would reply to a number of important questions which he had submitted and to which no answer had been given to date. He also hoped that those answers would be such as to pave the way for an intensified dialogue on the human rights situation in Iraq.

36. Mr. ERMACORA (Special Rapporteur on the situation of human rights in Afghanistan), introducing his eighth report (E/CN.4/1991/33), said that, like its predecessors, the report resulted from visits he had made regularly to Pakistan since 1984 and to both Pakistan and Afghanistan since 1987. He expressed his gratitude to the Governments concerned, and to that of the Islamic Republic of Iran, for their full cooperation over the years.

37. The human rights situation in Afghanistan remained complex, although three years had already elapsed since the complete withdrawal of Soviet troops. It derived from the situation of armed conflict, the problem of refugees, and the different circumstances prevailing in areas controlled by the Government and in those which were not under government control. The complexity of the situation was evident from the fact that the fate of more than 47,000 people who had been reported as missing had not so far been clarified.

38. There seemed to be a general trend towards finding a political solution to the long-standing conflict in Afghanistan and, in his report, he had mentioned a number of initiatives which had that solution as their objective, including the meetings between the leaders of the Afghan opposition and representatives of the Soviet Union and the Russian Federation, and the visit of representatives of the Russian Federation to the authorities in Pakistan. All the statements issued after those meetings contained elements relating to human rights, although the restoration of human rights was not their main focus. He was therefore of the opinion that human rights should be a matter of general concern in all discussions about a political solution.

39. In the course of his visit to Afghanistan in January 1992, he had raised with the President of the Republic the question of the death sentences imposed on 97 persons allegedly involved in the attempted coup d'état of March 1990. In its resolution 46/136 the General Assembly had called for commutation of the death sentences, an appeal which the Special Rapporteur had reiterated. In response to those appeals, the President had commuted all pending death sentences - a total of 114 - to 20 years' imprisonment.

40. On the same occasion, he had appealed for the release of a political prisoner who had been arrested 10 years previously: the President had promptly consented to the release, which the Special Rapporteur had been happy to witness in person later the same day. It was evident from such gestures of clemency that the President exercised wide discretion in respect of human rights.

41. There were still more than 5.5 million Afghan refugees who had not yet returned home. Indeed, the number of returnees was negligible in comparison with the number of those still living in Pakistan and Iran. The funds allocated for refugees living in refugee camps were insufficient to guarantee them a decent life, and one result of the decrease in international assistance had been a reduction in rations. Women and children in particular were the

victims of such a situation. The Government of Pakistan had indicated what was required to remedy the situation, and the Office for the Coordination of United Nations Humanitarian and Economic Assistance Programmes relating to Afghanistan had also referred to the matter in its reports.

42. Within Afghanistan, returnees from Iran could not be transported to their places of origin owing to a lack of transport facilities. Although refugee problems did not fall directly within the scope of human rights and were therefore not a principal concern of the Commission, the fate of the refugees themselves was a human rights problem.

43. There were a number of reasons why there had not been a massive return of refugees to the country, namely: the unrest prevailing in areas not controlled by the Government; the armed clashes occurring between opposition groups, resulting in numerous casualties; the impossibility of commencing reconstruction work on destroyed villages and dwellings, due to the uncertainty caused by continuing hostilities; the unresolved problem of mines; and, finally, the alleged conviction that the refugees would return only when a genuine Islamic Government was established in Afghanistan.

44. The situation in areas under government control (Kabul and most of the provincial capitals) was characterized by a functioning administration and a general prevalence of law and order. However, the existence of political prisoners showed that the pluralism proclaimed by the Constitution was not easy to achieve in practice. Political activity was still hazardous, and while it might be true that more than 20,000 prisoners had been released since the beginning of the national reconciliation policy, those releases had been balanced by new arrests.

45. The intervention of the United Nations and the affirmation by the Government that it adhered to the standards enshrined in international human rights instruments had led to a significant modification of the judicial system, and a law unifying the system of courts and attorneys and abolishing the system of revolutionary and special courts had been introduced in March 1991. While that development was to be welcomed, tribunals dealing with the internal and external security of the State continued to exist. He hoped that the establishment of the new judicial system would yield concrete results.

46. The regular visits paid by the International Committee of the Red Cross (ICRC) and the Special Rapporteur had prompted the Government to improve prison conditions. However, reports indicated a number of shortcomings, and a commission to supervise the situation of prisoners had been set up to examine their complaints and petitions. His report dwelt on that issue in greater detail.

47. Allegations concerning torture and ill-treatment continued to be made and he hoped that the work carried out by the commission he had just mentioned, together with the regular visits of the ICRC, would contribute to greater control of interrogation practices.

48. He was also concerned about the situation of prisoners held by opposition forces, although he was unaware of their exact number or their places of detention. Neither he nor ICRC had had systematic or regular access to all such prisoners and he himself had been able to visit only those prisoners who were high-ranking officers in the Afghan army.

49. Concern also existed regarding former Soviet military personnel held by opposition forces, who should be released and repatriated in accordance with article 118 of the Third Geneva Convention. He had offered to help coordinate the release of prisoners, since the attempts to achieve their release appeared rather uncoordinated. In that regard, a general amnesty by all sides would be an important contribution to the peace process.

50. As for the enjoyment in Afghanistan of economic, social and cultural rights, the Committee on Economic, Social and Cultural Rights had expressed satisfaction with the way in which those rights were codified in Afghan law. However, their actual implementation depended mainly on the war situation. It was his impression that those rights were enjoyed to a greater extent in Government-controlled areas than in areas controlled by opposition forces, where only United Nations agencies and non-governmental organizations were able to provide the population with the necessary supplies.

51. Given the diversity of the factors involved in the situation in Afghanistan, only a political solution to the conflict could provide a basis for the exercise of the right to self-determination of the Afghan people. There were signs that such a solution might be possible. The Governments of a number of countries, such as Pakistan, had expressed their support for a political discussion. While aware of the difficulties of bringing all the parties involved in the conflict to the same negotiating table, he was hopeful that the restoration of human rights would be on the agenda of the political discussion. A political solution required the support of world public opinion which should be committed to the cause of human rights, to universal elections in Afghanistan, and to the creation of conditions conducive to the return of the refugees.

52. It was for the Commission to decide when the time had come to relinquish the monitoring of human rights in Afghanistan to the domain of the internal affairs of the country and its Government. For the time being, however, cooperation between the Government, opposition forces, the United Nations and non-governmental organizations was still necessary in order to pave the way for peace in Afghanistan.

53. Mr. MAUTNER-MARKHOF (Secretary of the Commission) read out the introduction to his report on the human rights situation in the Islamic Republic of Iran (E/CN.4/1992/34) prepared by the Commission's Special Representative who was unable to be present.

54. The report focused on the most important events of 1991. Once again, a discrepancy had been noted between Iranian legislation and international human rights standards. It was for the Iranian authorities to bring their legislation into line with international standards. The obligations contained in the Charter of the United Nations and in the international human rights instruments were universal.

55. The report discussed a number of problems encountered during the Special Rapporteur's latest visit, in particular with regard to interviews with prisoners in Evin prison and the refusal to take part in interviews that would have been held in the presence of the authorities or restriced to prearranged subjects.

56. As for the two new topics in the Special Representative's mandate, namely, the question of refugees and displaced persons and the victims of chemical weapons, the recommendations of the report included a call for the Government to cooperate in providing legal protection to all refugee groups. With regard to the victims of chemical weapons, the report pointed out that the prohibition of the use of chemical weapons had become a rule of jus cogens; it therefore bound all States without exception and was not restricted to the States parties to the Geneva Protocol of 1925.

57. The Government of the Islamic Republic of Iran had implemented the Special Representative's earlier recommendation to conclude an agreement with the International Committee of the Red Cross (ICRC) so that prison visits could be carried out regularly and without exception. Expressing the hope that such visits would be conducted smoothly, the report recalled that States could not cancel unilaterally obligations that constituted part of international monitoring of human rights. The interruption of the monitoring activity by the ICRC or the unilateral repudiation of the agreement would constitute a violation of the Commission's agreements on the international monitoring of human rights and could prompt the Commission to renew its consideration of the subject.

58. Concerning the guarantees for due process of law, official information had been received on various draft laws, but they had not yet been promulgated and implemented. The assistance of a defence lawyer did not emerge clearly in the relevant legislation, and the Special Rapporteur was not aware of any bill to ensure the assistance of a defence lawyer during pre-trial proceedings. Six prisoners detained for seven months in solitary confinement Gohardasht prison, several accused persons held for common crimes and others arrested for espionage and political offences had not benefited from the assistance of a defence lawyer.

59. No changes had been noted with regard to the authorization of independent associations and real political parties or freedom of expression. Many citizens continued to feel threatened when they took a public stand on an issue and therefore preferred to withdraw from public life. The fear of what might happen, the uncertainty over the reaction of the police authorities and the announcement of hundreds of executions and arrests were deterrents to any independent public activity and thus constituted a restriction on the right to freedom of expression and creativity.

60. The number of executions had increased considerably, and more persons had been executed in 1991 than in the two previous years. Such information could not be regarded as partial or fabricated, because it had been carefully collected and verified on the basis of reports contained in the Iranian press. The number of executions had been growing by the week.

61. In view of the above, it could be concluded that the situation of human rights and fundamental freedoms in the Islamic Republic of Iran had not made real progress in 1991. It was to be hoped that the statements of intent concerning the elaboration of legislative reforms would be followed up. Until then, the Commission should continue to monitor the situation, and the Government of the Islamic Republic of Iran should once again be urgently called upon to implement the 15 recommendations contained in his previous report and to comply with international human rights standards.

62. Mr. AL-DOURI (Iraq) said he regretted that, so far, his delegation had received the report on the situation of human rights in Iraq (E/CN.4/1992/31) in English only.

63. In his statement to the Commission, the Special Rapporteur had misquoted Mr. Tariq Aziz, the Deputy Prime Minister of Iraq, as saying that he did not need to apologize for the hanging of a number of Muslim clerics. That was a distorted quote taken out of context, and the Special Rapporteur should refer to the full statement, in which Mr. Aziz had said that the laws applied to all, regardless of status, even if the persons concerned were clerics.

64. Turning to the report, he said that it was one-sided and that the allegations made therein were unsubstantiated. As the information contained in the report had not been forwarded to his Government, his delegation was seeing it for the first time. The assessment made by the Special Rapporteur was based on a very short visit.

65. Most of the information had been obtained from well-known opposition elements either outside Iraq or in the area of Kurdish self-rule, or even from refugees in Saudi Arabia or Iran. No effort had been made to examine the veracity of the information received. No mention had been made of the Special Rapporteur's numerous meetings with Iraqi officials, nor did the report refer to the cooperation shown the Special Rapporteur by Iraqi authorities during his visit or state that he had been allowed to go wherever he pleased.

66. The report's conclusions were in keeping with the political campaign of certain major Powers which were seeking to achieve through other means what they had been unable to attain through war, aggression and economic embargo. His delegation strongly rejected the report and its recommendations and conclusions.

67. The Special Raporteur had failed to address the situation in Iraq since the military aggression and the disturbances. Yet in the interim, stability and the rule of law had been restored and prisoners had been released, except for those who had committed murder or other serious crimes. The disturbances in northern and southern Iraq, which had been fomented in part from abroad, had led to flagrant human rights violations and the elements responsible for the disturbances had committed more than 5,000 murders of innocent persons and countless acts of terrorism and torture. That matter had been ignored by the Special Rapporteur, although his Government had provided a list of the persons killed.

68. The only reference made by the Special Rapporteur to the economic sanctions levied against Iraq was to assert that the Government of Iraq was exploiting the situation to justify human rights violations. It was hard to understand how anyone could fail to see the impact that the sanctions were having on economic, social, civil and political rights in Iraq. In paragraph 82 of the report, the Special Rapporteur gave expression to his own personal interpretation of "sovereignty", which had no relationship to the definition of that concept under international law. It was a principle of international law that any attack on the sovereignty of the State was a violation of human rights.

69. Concerning paragraphs 109-117 of the report, on the Assyrians and Turkomans, that matter had never been raised with his Government. The issue of property rights had already been settled, and there had been no need to address it in the report. The question of minorities was receiving due attention in Iraq.

70. With regard to paragraphs 96-108, on the Kurds, his delegation drew attention to the improbable figures given for the persons displaced. The number of homes, hospitals, schools and mosques allegedly destroyed exceeded the number of such structures in many developed countries.

71. As to paragraphs 118-127, the Special Rapporteur had made a flagrant error in asserting that the Shi'as of southern Iraq were the descendants of the original population of Mesopotamia (para. 118). In fact, the various ethnic groups in northern, southern and central Iraq were of the same origin: they were all Muslims, whether Shi'as or Sunnis. In another error, the Special Rapporteur had spoken of the Shi'as as if they were part of an independent religion and culture. In actual fact, the Shi'as and the Sunnis were very close and were all Arabs and Muslims. That was a basic tenet of the Baath Party, which had been accused of violating the rights of persons of the Shi'a faith, even though many members of the party were Shi'as and supported national unity.

72. As to the question of refugees (paras. 133-136), the reason for that tragedy was to be sought in the Iran-Iraq war, the attack carried out against Iraq by the Atlantic alliance and the subsequent disturbances and unrest. Therefore, his Government could not be held responsible for the refugee problem. It was ready to welcome all refugees back to Iraq, especially persons who had been living in terrible conditions outside Iraq, many of whom had recounted incredible stories upon their return.

73. Mr. de SANTA-CLARA (Portugal), speaking on behalf of the European Community and its member States, said that human rights as expressed in the Universal Declaration of Human Rights and other instruments were not the monopoly of any one culture, society or age. However, the indivisibility and interrelationship of all human rights was an essential feature of the times. The tensions and conflicts arising from flagrant and systematic violations of human rights and fundamental freedoms in a country or a region were often also a threat to international peace and security and the promotion and safeguard of human rights and fundamental freedoms throughout the world was thus a legitimate and permanent duty of the world community and of all States, whether acting individually or collectively.

74. The Commission on Human Rights had the duty to act to halt violations of human rights wherever they occurred and to give hope to those being denied the basic human rights inherent in human dignity. In that context, the Austrian initiative, which would provide the Commission with a mechanism to react effectively to urgent situations of gross violations of human rights, was to be welcomed. So also was the excellent report on summary or arbitrary executions presented by the Commission's Special Rapporteur (E/CN.4/1992/30). The European Community supported the renewal of the mandate of the Special Rapporteur for another three years and the appointment of a successor to Mr. Wako.

75. In the firm conviction that criticism would help those striving for the respect of human rights and fundamental freedoms, he intended, on behalf of the European Community and its member States, to comment on certain situations of human rights violations throughout the world.

76. The European Community was fully aware of the permanent necessity to reinforce the protection of human rights and fundamental freedoms within its own societies, specifically in the areas of intolerance and discrimination. It remained fully committed to the constant improvement of human rights policies, both on a national basis and in the framework of regional mechanisms, with particular reference to the European Court of Human Rights and the mechanism established in the framework of the Conference on Security and Cooperation in Europe.

77. The European Community deplored the atrocities and the loss of human lives caused by the conflict in Yugoslavia and welcomed recent moves within the United Nations framework to bring about a peaceful solution. Although there had been positive developments recently in Romania, further guarantees concerning the democratization process and in the field of human rights were necessary.

78. The Government of Albania had made some progress with regard to human rights and democratization, but the European Community noted with concern recent measures preventing ethnic minorities from participating in the national general elections. The question of internally displaced persons as well as that of the reintegration of former political detainees should be solved urgently and all the human rights of persons belonging to minorities should be respected.

79. The European Community regretted the continuing and tragic division of Cyprus, and reiterated its support for the restoration of the unity, independence, sovereignty and territorial integrity of that country, in accordance with the relevant United Nations resolutions. It was to be hoped that the energetic approach by the Secretary-General of the United Nations in his good-offices mission would remove the remaining obstacles to the convening of a high-level international meeting on Cyprus under United Nations auspices.

80. The European Community had noted with concern the findings of the Committee Against Torture with regard to Turkey. However, it welcomed the

commitment of the newly elected Turkish coalition Government to improve the protection of human rights and the situation of minorities in Turkey as soon as possible.

81. The European Community welcomed the recent signature in Mexico of the Peace Agreements between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) which had put an end to a conflict that had affected that country for so many years. It was to be hoped that that development would also contribute positively to the stability of the region. It endorsed the conclusions and recommendations of the Commission's Special Representative on the situation of human rights in El Salvador (E/CN.4/1991/34), especially those concerning the need to prevent the intimidation of the civilian population; to encourage the reform of the judiciary and the establishment of a fact-finding body subordinate to the judiciary to investigate criminal acts; and to implement the agrarian reform plan.

82. It was to be hoped that the remaining questions concerning the identity of all those responsible for the murder of the six Jesuit priests and their two assistants would be resolved so that they could be brought to justice at an early date. In such circumstances, it would be premature to terminate the mandate of the Special Representative. It was necessary to maintain the mechanism to follow up the human rights situation in El Salvador for some time to come.

83. The human rights situation in Guatemala was still a matter for deep concern. The efforts of the Government and its pledge to persuade the armed forces to cooperate in eradicating the death squads and ending the violence of the paramilitary groups had so far proved insufficient. While the number of grave violations had somewhat diminished, there were still reports of disappearances, of summary and arbitrary executions and of assassinations of street children.

84. The reforms carried out to date by the Government of Guatemala were to be welcomed and its endeavours should continue until the supremacy of civilian power and the strengthening of the judicial system were securely established. None the less, all those reforms, declarations of principle and various measures had not yet been reflected in any significant improvement in the human rights situation in Guatemala.

85. The European Community condemned, as it had in the past, any act of violence, whoever the authors might be, aimed at intimidating the indigenous civilian population and certain labour and trade-union sectors. As long as the human rights situation in Guatemala did not improve, the issue should continue to be addressed under item 12 of the Commission's agenda.

86. The human rights situation in Cuba remained troubling, particularly in the light of the decision by the Government of that country not to cooperate with the Special Representative in the performance of his mission. There were clear indications of growing intolerance, as revealed by repressive measures which reflected the absence of basic democratic guarantees such as the right to political participation and the freedoms of expression and association.

87. The European Community had condemned the coup d'état in Haiti and called for the restoration of the constitutional order and the return to power of the legally elected President through a process under the supervision of the United Nations. It welcomed the initiatives taken by the General Assembly and the Organization of American States in order to find a solution to the crisis. The Commission should consider the situation of human rights in Haiti as a matter of high priority, in view of the growing violations of human rights which had followed the coup d'état.

88. Although some positive developments had recently occurred, the human rights situation in Peru remained a matter for concern. Whilst the atrocities carried out by terrorist organizations there were to be strongly condemned, the European Community also urged the Peruvian Government to protect human rights in a more effective way.

89. The recent signature of an agreement at Yamoussoukro was a positive step towards the resolution of the Liberian conflict. Unfortunately, some regrettable violations of human rights continued to occur and there was still fighting in the border regions of Liberia and Sierra Leone, which jeopardized the peace agreement.

90. The charter governing the transitional period in Ethiopia clearly stated the Government's obligation to respect human rights and democracy. However, while the Government seemed determined to respect its commitments in that regard, there had regrettably been ethnic clashes and outbreaks of fighting in some parts of Ethiopia. The provisional Government of Eritrea had opted for a one-party system to be succeeded by a democracy and a multiparty system, after the referendum on the final status of Eritrea had been held. The European Community believed that the referendum should itself be conducted in accordance with democratic principles.

91. The situation in Somalia remained a tragic one with a heavy loss of human lives and widespread material damage. Many initiatives had been taken for national reconciliation and talks had been held in New York under the auspices of the Secretary-General of the United Nations. An early resolution of the conflict was to be hoped for.

92. The human rights situation in Sudan was deeply disturbing. There were continuing reports of imprisonment without trial, of ill-treatment, of torture of detainees and of the forced resettlement of displaced persons and refugees in Sudan. The European Community had frequently made it clear to the Government of the Sudan that its policy towards displaced persons should fully respect their human rights and fundamental freedoms.

93. The situation in Zaire was critical. The unilateral suspension by the Zairean authorities of the National Conference was to be deplored, as was the recent brutal suppression by regular governmental forces of a peaceful demonstration. The European Community urged the Zairean political forces to set the proper conditions for a genuine democratic change which would respect normal democratic institutions, the rule of law, civil and political rights and the legitimate aspirations of the people. It looked forward to studying the report of the Special Rapporteur on the events in Lubumbashi (E/CN.4/1992/30/Add.1).

94. There were shortcomings in the human rights records of Malawi and Chad. In Malawi, political prisoners were still being detained without trial. Despite positive changes proposed by the new Head of State of Chad in December 1990, which had led to the release of substantial numbers of political prisoners, the situation appeared to have subsequently deteriorated. The European Community deplored the recent murder of the Vice-President of the Human Rights League of Chad and called for the release of all remaining political prisoners and full respect for human rights in that country. It was also concerned about the treatment of ethnic groups by the Governments of Mali and Niger and the indiscriminate use of force by the parties concerned. It called upon all those parties to continue the process of national reconciliation.

95. Democracy and full respect for human rights were still subject to grave violations in Equatorial Guinea. Recent repressive measures taken by the Government seemed to indicate that it had no intention of implementing the recommendations made by the Commission's Expert (E/CN.4/1992/51) whose work the European Community commended.

96. With regard to the human rights situations in South Africa and the territories occupied by Israel since 1967, the European Community had already explained its position under agenda items 4 and 5. It should be reiterated once again, however, that respect for human rights in the occupied territories was still of great concern to the Community.

97. The Government of Syria should fully implement its obligations in the human rights field, particularly with regard to the situation of members of the Jewish community and other minorities, a situation which did not conform to internationally recognized standards of human rights.

98. It was to be hoped that the full implementation of the Taif Agreement would finally lead to the restoration of the sovereignty, independence, unity and territorial integrity of Lebanon and put an end to the long and terrible suffering of its population. In that context, the European Community urged Israel to implement Security Council resolution 45/1978. The progress in the release of hostages had been noted with satisfaction by the Community which demanded that the remaining hostages be released immediately and unconditionally and that that odious practice be once and for all terminated.

99. The report of the Commission's Special Rapporteur (E/CN.4/1992/31) gave ample evidence of the flagrant and persistent violations of human rights by the Government of Iraq and, in particular, of the massive repression of the Kurds and the Shi'ite community. The European Community demanded that the Government of Iraq put an end to the repression of the civilian population throughout the country and emphasized that that Government bore the entire responsibility for the deterioration in the humanitarian situation in its country. Early implementation of the relevant Security Council resolutions would contribute to improving the living conditions of the civilian population there.

100. The Commission's Special Rapporteur on occupied Kuwait had provided an insight into the extent of the cruelty of the Iraqi forces there. His report (E/CN.4/1992/26) focused in particular on the question of missing persons,

which was of the utmost concern to the European Community. In its dialogue with the Government of Kuwait, the European Community and its member States had made clear its concerns about the human rights situation in that country and had emphasized that everyone had the right to a fair trial whatever the charges brought against him or her. It had also expressed on several occasions its concern on the subject of deportations. Recent improvements in the human rights situation in Kuwait were nevertheless encouraging.

101. The European Community would continue to use its dialogue with China to express its deep concern about the human rights situation in that country. That could not be considered to be interference in the internal affairs of another State and was a legitimate subject of international concern. It was dismayed at the arrests and severe sentences imposed on those involved peacefully in the 1989 events and by the arrests of other Chinese citizens committed to democracy or holding particular religious beliefs. It appealed to the Chinese authorities to grant a general amnesty to all political activists, including all political prisoners and to guarantee respect for human rights, in Tibet also, in accordance with their international obligations.

102. The armed conflict, which continued in Afghanistan despite the agreement to end weapon deliveries to the Afghan parties concerned, had exacerbated the human rights situation in that country. However, the decision of the Afghan authorities to allow the International Committee of the Red Cross to visit political prisoners under interrogation was to be welcomed and it was to be hoped that the ICRC would be given access to all political prisoners. The proposed gathering of representatives of all the parties to the conflict under the auspices of the Secretary-General of the United Nations gave hope that ways and means might be found to start a dialogue aimed at achieving a democratic political solution of the conflict.

103. Likewise, the agreement on a comprehensive political settlement to the conflict in Cambodia was to be welcomed. The European Community looked forward to the beginning of the process towards free and fair elections under the auspices of the United Nations and welcomed the steps taken to release political prisoners under the supervision of the ICRC. In accordance with the Paris Agreement, the Commission on Human Rights should continue to monitor closely the human rights situation in Cambodia.

104. Almost two years after the holding of elections in Burma, the regime still showed no sign of respecting the democratically expressed will of the Burmese people. It continued to ignore international appeals to end violations of basic human rights, including the arbitrary arrest of political opponents and the house arrest of Nobel Prize winner Daw Aung Saan Suu Kyi. It had failed to implement its commitments to the General Assembly to transfer power to the elected representatives and had failed to respond to the serious concern expressed in General Assembly resolution 46/132.

105. The European Community called on the Burmese authorities to take action to end violations of human rights in Burma, to release those unjustifiably detained and to respect the fundamental freedoms of all Burmese citizens, including national and religious minority groups. It urged them to demonstrate to the international community their willingness to cooperate

with the United Nations and to respond positively to the provisions of the General Assembly resolution. The Commission should address the human rights situation in Burma as a matter of urgency.

106. The European Community continued to follow very closely the situation in East Timor, following the violent incident which had occurred in Dili on 12 November 1991. Although the prompt response which the summary report of the National Investigation Commission elicited from the highest Indonesian authorities was encouraging, other aspects of the issue gave cause for concern. It was to be hoped, for instance, that further investigations would result in all those responsible being identified and, where appropriate, disciplined or brought to trial, and that the investigations would also produce clear information about the number killed and the fate of those still missing.

107. The involvement of the United Nations in that process, with the appointment of a personal representative of the Secretary-General to undertake a visit to Indonesia and East Timor was to be commended, as was the willingness of the Indonesian authorities to cooperate with him fully.

108. The European Community supported the endeavours by the Secretary-General of the United Nations to achieve a just, comprehensive and internationally acceptable settlement of the question of East Timor, with full respect for the legitimate interests and aspirations of the East Timorese. It also supported the initiation of a dialogue without preconditions between Portugal and Indonesia, under the auspices of the Secretary-General, as contained in the constructive Portuguese proposal.

109. As for the situation in Viet Nam, the draft constitution recently adopted gave rise to hope for improvements in the area of civil and political rights. In addition, the European Community welcomed the undertaking by the Vietnamese Government not to persecute returnees. However, there were still reasons for pursuing international efforts to secure respect for human rights in Viet Nam, where a considerable number of citizens were still in detention.

110. The continued violence in Kashmir had led to severe loss of life and a serious deterioration in the human rights situation in the region. The Governments of both India and Pakistan should refrain from any action which could further heighten tension in the area, so that favourable conditions could be created in which the people of Kashmir might enjoy their fundamental rights. The Government of India should allow international human rights and humanitarian organizations unrestricted access to Kashmir.

111. Although the human rights situation in Sri Lanka had improved, the ongoing civil strife in the northern and eastern parts of the country was disturbing, as were the continued reports of numerous killings and disappearances. Although the European Community recognized that the Sri Lankan authorities faced difficulties in coping with civil strife, it was seriously concerned that those responsible for the killings and disappearances appeared to enjoy impunity and it urged the Sri Lankan Government to make every attempt to bring them to justice. The use of violence by the LTTE was to be condemned.

112. It was to be regretted that the recommendations contained in the earlier reports of the Commission's Special Representative on the human rights situation in the Islamic Republic of Iran had not been fully implemented, particularly his view that there should be immediate action to reduce drastically the application of the death penalty. It was clear from his latest report (E/CN.4/1992/34) that the number of executions carried out during 1991 had, in fact, substantially increased. Political critics of the Goverment continued to be arrested, and despite improvements, members of the Baha'i community did not enjoy equal treatment with other citizens.

113. Although the agreement signed between the International Committee of the Red Cross (ICRC) and the Iranian Government was a positive development, it was essential that the ICRC be permitted to visit all those prisoners whose conditions it wished to examine. The fact that the Special Representative had not been able to speak to all those whom he wished to see when visiting Iran was also to be regretted. The European Community therefore supported the extension of the mandate of the Special Representative and requested him to present an interim report to the General Assembly.

114. In conclusion, it should be emphasized that the European Community's aim was always to help those striving for greater respect for human rights around the world, an aim which required effective cooperation from the international community as a whole to promote the cause of human rights.

The meeting rose at 1.05 p.m.

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COMMISSION ON HUMAN RIGHTS

Forty-eighth session

SUMMARY RECORD OF THE 36th MEETING
(FIRST PART*)

Held at the Palais des Nations, Geneva,
on Thursday, 20 February 1992, at 3 p.m.

Chairman: Mr. SOLT (Hungary)
later: Mr. ENNACEUR (Tunisia)

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* The summary record of the second part of the meeting appears as document E/CN.4/1992/SR.36/Add.1.

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GE.92-10936/4385B

The meeting was called to order at 3.15 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(b) SITUATION OF HUMAN RIGHTS IN OCCUPIED KUWAIT

(c) SITUATION OF HUMAN RIGHTS IN VARIOUS COUNTRIES (agenda item 12) (continued) (E/CN.4/1992/3, 4, 25, 26, 27 and Corr.1, 28 and Add.1, 29, 31, 32, 34, 35, 36, 37, 60 (S/23212), 64, 67 and 68; E/CN.4/1992/CRP.1; E/CN.4/1992/NGO/2, 5, 10, 13, 19, 24 and 34; E/CN.4/1991/24, 27, 28, 29, 30, 31, 33 and Add.1, 34, 35 and 36; A/46/446, 529, 542, 544 and Corr.1, 606 and 647)

1. The CHAIRMAN invited delegations and observers wishing to do so to speak in exercise of their right of reply in accordance with article 45 of the Rules of Procedure.

2. Mr. IBRAHIM (Observer for Djibouti) said that all the allegations made by the representative of the Arab Organization for Human Rights concerning Djibouti were unfounded. There were no political prisoners in Djibouti, contrary to what he had claimed without mentioning any names or furnishing any proof in support of his assertions. He had probably been referring to the 30 prisoners charged under the ordinary law with attempting a coup d'état whose case was very straightforward and who would be given a fair and public trial. Contrary to the assertions of that non-governmental organization, Djibouti had embarked on a process of democratization and political pluralism; a new constitution which would safeguard those principles and uphold human rights was being drawn up and would be submitted to a referendum as soon as the situation had been normalized and the country liberated. The representative of the Arab Organization for Human Rights had omitted to say that, since November 1991, Djibouti had been subjected to attacks by the Afars of a neighbouring country who were already occupying part of its territory with the utopian aim of establishing a "Greater Afaria", which was merely delaying the irreversible process of democratization that had begun. The Arab Organization for Human Rights would do well to verify its sources of information and keep abreast of the current situation before making accusations that were not backed by any evidence.

3. Mr. ZHAN Daode (China) deplored the attitude displayed by the representative of the United States and by the Portuguese delegation, speaking on behalf of the European Community, at the previous meeting, when they had made slanderous accusations against China on the subject of criminals who had been rightfully sentenced for their subversive activities. Those allegations, which the Chinese delegation categorically denied, constituted interference in China's internal affairs. In fact, the United States representative was attempting to divert the international community's attention from the situation in his own country, for the record of the

United States in regard to human rights was far from glorious. The Department of Justice had recorded 15,000 complaints of acts of violence committed by the police in 1990 in large cities such as New York, Chicago, Los Angeles and Washington and the crime rate had reached an alarming level in that country. Over a million American citizens were currently behind bars, making the detention rate in the United States one of the world's highest. Racial discrimination was also causing very serious problems in that country, where the Blacks were at the bottom of the social scale and many of them were living below the official poverty line. The Chinese delegation thought that the United States representative would do better to concern himself with those problems and with the violations of human rights that were being committed in his own country before attacking others.

4. Mr. RAO KOURI (Cuba) found it regrettable that the United States delegation had seen fit to stress insistently that the Cuban Government had not cooperated with Mr. Rivas Posada, the Special Representative assigned to examine the human rights situation in Cuba, although the Cuban delegation had explained that it had been unable to do so inasmuch as it did not regard Mr. Rivas Posada's mandate as possessing any validity. The United States representative was forgetting that Cuba had always cooperated and would continue to cooperate with the United Nations, particularly within the scope of the confidential procedure defined in Economic and Social Council resolution 1503 (XLVIII). The Cuban delegation was also astonished that the United States delegation should continue to draw the Commission's attention to violations of human rights allegedly being committed in Cuba, when thousands of persons in the United States were being denied the right to adequate food, housing or work or were being discriminated against because they were Black, of Hispanic origin or members of the indigenous communities which had been robbed of their land and their natural resources. In view of those facts, the Commission could hardly give credence to the allegations made by the United States representative, who was not thereby making a positive contribution to its discussions.

5. The Cuban delegation also regretted that the States members of the European Community, many of which were currently facing problems of intolerance, xenophobia and racism in their own countries, had chosen to side with their American allies by attacking Cuba. In so doing, they would certainly not be helping to promote collaboration in the field of human rights.

6. Mr. GUBARTALLA (Observer for Sudan) said that it would be pointless to refute, one by one, all the false allegations that had been made against his country by the representative of the United States, that self-proclaimed champion of peace which presumed to sit in judgement and deliver arbitrary verdicts without taking account of the opinions and constraints of the other countries. He would however point out that the war raging in southern Sudan resulted from the policy of the major Powers which had attempted to sow discord between the populations of the North and the South by claiming that the North was seeking to impose its domination over the South. The present Government had silenced them by adopting a federal system that allowed every province a degree of legislative autonomy. All the allegations to the effect that the members of some religions were being discriminated against or that

summary executions had taken place were unfounded. The displacement of population groups from the capital to other regions, which the representatives of the United States and the European Community had highlighted, was legitimate and necessary. The Government was ready to enter into political negotiations with the rebels; it was the demands the latter were making which were the obstacle. Finally, the detention measures were in no way discriminatory and were monitored by the judicial authority, which was totally independent in the Sudan. Moreover, the detainees were not subjected to torture and several delegations, including a European parliamentary delegation, which had visited the Sudan could vouch for that fact.

7. Mr. KHOURY (Syrian Arab Republic) pointed out to the representative of Portugal, who had spoken on behalf of the 12 States members of the European Community, that Syria had always respected the obligations that it had assumed under the international human rights instruments to which it was a party and which had been embodied in its domestic legislation. The allegations of discrimination against the Jewish minority in Syria were totally unfounded. Syria was proud of having been the cradle of three major religions, and anyway no one could claim to be unaware of the parts of the world where massacres were being committed for religious reasons. The emergence of neo-Nazi tendencies and the increasingly numerous manifestations of racism in some countries of the EEC were also a grave source of concern; every country should examine its own record and seek to ascertain where the real violations of human rights were occurring before making accusations against other countries.

8. Mr. ULLMANN (Coordinating Board of Jewish Organizations) noted with regret that, in spite of the welcome rapprochement between the major Powers, the rights of persons belonging to minorities were still being flouted because the end of the cold war had given rise to tension among the various minorities. The Board welcomed the result of the efforts of the Working Group assigned to draw up a draft declaration on the rights of minorities, which it hoped would be adopted, and thanked the Centre for Human Rights for the way it was assisting Governments to solve the human rights problems currently facing minorities. He respectfully invited Governments to benefit from the Centre's assistance and to promote closer relations between the latter and the national committees on human rights.

9. The Coordinating Board of Jewish Organizations was also greatly concerned at the xenophobia which migrant workers were facing throughout the world and hoped that special efforts would be made within the context of the World Public Information Campaign on Human Rights in order to make members of minorities and migrant workers aware of their rights.

10. He drew the Commission's attention in particular to the situation of the Jewish minorities in several countries where they were encountering problems, the nature of which varied depending on the region in which they were living. Thus, while in the countries of eastern Europe measures had been taken by the new leaders to attenuate the discrimination to which those minorities had formerly been subjected, in the Middle East, on the other hand, their situation remained difficult. That applied in particular to Syria, where members of the Jewish minority were denied the most fundamental rights and

freedoms, such as freedom of movement, were barred from most professions, could not freely practise their religion and were subjected to all kinds of harassment. The Jews of Yemen were also living in very precarious conditions, which were constantly deteriorating. In western Europe, they were often the victims of manifestations of hatred, anti-Semitism and xenophobia instigated by extremist neo-Nazi groups which should be denounced systematically and energetically. In that connection the Board welcomed the decision by the Argentine Government to make public its archives on the Nazi war criminals who had resided in that country, and hoped that the country protecting the notorious Nazi criminal Aloïs Brunner would follow that example in order to facilitate the inquiries conducted by various Governments which were calling for his extradition under the relevant international regulations. The Board also hoped that in future, the Commission would accord high priority to those questions, with a view in particular to the preparation of a draft declaration or convention.

11. Mr. AHDEROM (Baha'i International Community) once again drew the Commission's attention to the precarious situation of the Baha'is in Iran where, for the last 12 years, they had been persecuted, harassed and denied their most basic rights. As could be seen from the report of Mr. Galindo Pohl, the Special Representative on the human rights situation in the Islamic Republic of Iran (E/CN.4/1992/34), the Baha'is did not enjoy access to higher educational institutions or the civil service, they were deprived of the means to earn a living, and all their property was being confiscated. Moreover, they were unable to leave the country and eight of them were reported to be currently in prison solely because of their religious convictions. In spite of a few measures that might give the impression that their situation had improved, the campaign of persecution and oppression to which they were being subjected was continuing in furtherance of the Iranian authorities' avowed aim of eliminating them. In particular, the members of the Baha'i community were officially forbidden to exercise their right of assembly and their right to elect the administrative bodies which directed all their activities at the local, national and international levels and therefore played a major role in their lives. That was why, on its assumption of power, the Government of the Islamic Republic of Iran had actively sought to undermine those institutions first by attacking their representatives and subsequently, in the face of Baha'i resistance, by purely and simply banning them. Their dissolution obviously posed a direct threat to the existence of the Baha'i community in the same way as the execution of some of its members.

12. The Baha'is of Iran had always demonstrated their commitment to the peaceful ideals of their faith, which called for total avoidance of any form of partisan political activity and strict obedience to the Government. The fact that they had always respected those principles clearly showed that they were being persecuted for purely religious reasons. The sole aim of the worldwide activities of the Baha'is was to promote unity and harmony among peoples. To achieve that noble aim, the Baha'is upheld the principle of the equality of the sexes, advocated compulsory education for all, recognized the harmony between science and religion, and called for recognition of and respect for the essential unity of all religions and all peoples. Such principles in no way justified the harsh manner in which they were being

treated. It should not be forgotten that the Baha'i community constituted the largest religious minority in Iran and that Baha'is remained eager to promote the development and well-being of their country in cooperation with their fellow citizens.

13. The Baha'i International Community appealed to the Iranian Government to respect the Universal Declaration of Human Rights and its obligations as a State party to the International Covenants on Human Rights by removing all the restrictions imposed on the rights of the Baha'is in Iran and by legally recognizing the right of that peaceful religious community to exist and function. He sincerely hoped that the day would come when the Baha'i International Community would no longer need to solicit the aid of the international community. All Baha'is throughout the world were impatiently awaiting the day when the sufferings of the Baha'i community in Iran would finally end and it would be able to exercise all its rights.

14. Mr. DAVIES (Survival International) said that the Nuba and Fur of western Sudan were victims of a deliberate policy on the part of the Sudanese Government which was designed to exterminate them as peoples. They were being assailed or manipulated simultaneously by three groups: the regular Sudanese army, the rebel Sudanese Peoples' Liberation Army (SPLA) and Government-armed paramilitary troops drawn from local Arab tribes. Those peoples were living in fear and crying out against "genocide". Since October 1991, the area of the Nuba mountains had been sealed off by the Government in order to conduct a large-scale military operation, purportedly against the SPLA. Before that date, there had been frequent reports of arbitrary arrests, "disappearances", massacres, raids on villages and confiscations of land. In spite of the quarantine imposed on the area, similar reports were still being received. In January 1992, a meeting of provincial governors at El Obeid, the capital of Kordofan, had declared a holy war against "desperate rebel remnants" in Southern Kordofan. That was likely to become a pretext for continued repression of the Nuba. In fact, although the slaughter had been backed by an appeal to religion, its motivation was purely political, since many of the victims were themselves Muslims of long standing.

15. The Nuba people, numbering about a million, consisted of various tribes living in the hills named after them in the province of Southern Kordofan. The Nuba, most of whom were farmers and herders, were "African", as opposed to the neighbouring "Arab" tribes, and traditionally non-Muslim; they practised their own religious cults, although many of them had become Muslims or Christians. For generations, the Nuba had been in competition with the Baggara, a largely cattle-herding Arab tribe in Southern Kordofan, for land, wells and markets. However, in spite of their conflicts, the two peoples traded together and mixed marriages were quite frequent. The present policy of terror was attributable to external groups and was the culmination of a decade of violence. In the atrocious civil war which was currently raging, the Government had made extensive use of armed militias from loyal Arab tribes to support the regular army. The Baggara had thus been supplied with arms, which they had used to raid Nuba villages, stealing their cattle and property and killing villagers.

16. The SPLA rebels regarded the Nuba, though the latter lived further to the north, as their natural allies. In 1987, the SPLA had recruited a unit in the Nuba mountains and Nuba leaders who had refused to cooperate with them had been kidnapped or assassinated. The regular army and its intelligence services, for their part had had suspected SPLA sympathizers arrested and executed. The Nuba leaders had initially welcomed the coup d'état which brought General El-Bashir's Government to power in June 1989, since it had promised to restore law and order and disarm the militias. However, their hopes had soon been dashed when the new Government had legalized the militias, renaming them the "Popular Defence Force". The raids on Nuba villages had become increasingly bloody. In October 1989, for example, houses had been burnt and looted in the town of El Lagawa and in 19 other villages, where a total of 98 persons had been killed and 3,000 left homeless. By 1990, an estimated 60,000 persons had been displaced. The Nuba believed, plausibly enough, that they were the victims of a deliberate attempt by the central authorities to drive them from their land in order to give it to the Baggara who, as Arab Muslims, were regarded in a more favourable light.

17. In 1991, the violence had intensified due to cooperation between the PDF militias and the regular army. Arbitrary arrests of supposed SPLA sympathizers by the military intelligence services had increased during the last two years. Those arrested were never seen again. The targets were primarily Nuba with educational qualifications, who might become political leaders. For example, 37 young Nuba men who had been arrested and tortured in August 1991 were still missing. There were lawyers and teachers among them, including two high-school teachers, Ismat Hassan Khair al-Sid and Yousif Galdagoun. In early October 1991, the commandant of the local garrison had been killed in an SPLA ambush near the provincial capital Kadugli, in retaliation for which 100 Nuba had been rounded up and most of them were believed to have been killed.

18. Meanwhile, the economic and service infrastructures were being run down in the Nuba area. Medicine was difficult to obtain and there had been acute food shortages in 1990 and 1991. Food relief was inadequate and the population believed that it was being deliberately blocked by the Government. Other Nuba had had to join the southern Sudanese refugees in the shanty towns around Khartoum where, like the others, they were subjected to heavy-handed treatment by the Government in an attempt to resettle them outside the urban area. Three persons had been killed in an operation of that type on 15 January 1982. According to the most recent reports, a large number of Nuba civilians from the Kamda tribe had been arrested in early December 1991; 19 of them had been killed in prison at El Lagawa and the rest taken to the provincial capital, El Obeid, where they had been charged under the new Counterinsurgency Act No. 96. Villages belonging to the Kamda and other tribes had been evacuated by force and rumours to the effect that the crops which those tribes had planted were being harvested by the SPLA suggested that the aim of those operations was to dispossess them of their land. According to another credible report, a militia group had abducted 5,000 Nuba children between 8 and 16 years of age, who were being held in a camp and given military training and indoctrination by the National Islamic Front.

19. Farther west, the Fur people were suffering a similar fate. In the increasingly numerous conflicts between them and local Arab tribes, the Government had invariably supported the latter, labelling the Fur and other groups attempting to defend themselves as "robbers". The Fur and other tribes in the area were threatened with destruction by the national policies of Sudan and Chad. Colonel El Tayeb Ibrahim, the governor of the province, was currently conducting a military campaign against them. On his orders, helicopter gunships were being used against Fur villages, hundreds of which had been razed to the ground. The Fur villagers were apparently being systematically driven from their land, with the connivance of the Government, so that it could be taken over by Arab tribes.

20. In view of that alarming situation, Survival International urged the Commission to bring pressure to bear on the Sudanese Government:

- To put an end to the attacks on the Nuba and Fur by the army and PDF militias;

- To release food and medical aid to the Nuba;

- To put an end to arbitrary arrests of the Nuba and ensure that those in prison were tried or released.

21. Mrs. GRECH (International Work Group for Indigenous Affairs, IGWIA) said that in 1991 the International Chittagong Hill Tracts Commission had published a report on human rights in that area. That Commission, which was the first independent body to have been allowed free access to the area, had been able to visit the Jumma refugee camps at Tripura in India.

22. The Commission had also visited Bangladesh while that country had still been in the throes of transition after the overthrow of the military regime of Hussein Mohammed Ershad in December 1990 by the combined forces of the Democracy Movement. Its findings had largely confirmed earlier reports of human rights violations in the Chittagong Hill Tracts where, 14 months after the change of Government, the district councils set up by the military regime were still functioning and the Jumma were still being arrested, injured, tortured, raped and murdered.

23. The Commission had recommended the appointment of a United Nations special rapporteur on the Chittagong Hill Tracts and demanded the cessation of the human rights violations for which the army, or persons under its protection, were responsible. It had concluded that priority should be accorded to demilitarization of the area and the establishment of autonomous political institutions after the holding of a referendum, together with the cessation of colonization and the dismantling of the military cluster villages.

24. The Chittagong Hill Tracts were still in the grip of military rule and it seemed that the benefits of the new democracy had not yet been felt in Bangladesh where there had been no improvement in the human rights situation since the change of Government. Numerous violations had been reported since the publication of the Commission's report. Attributed to the security

forces of Bangladesh, they included torture, rape, the burning of houses and extrajudicial executions of non-combatant Jumma. As an example, she referred to the case of Monotosh Dewan who, together with several other persons, had been arrested by the security forces in July 1991 and was still in prison although gravely ill after being tortured repeatedly. An entire Jumma village had been burnt down by miltary personnel on 18 May 1991 and its inhabitants forcibly relocated to a military cluster village. IWGIA had detailed information concerning numerous cases of rape of Jumma women by army personnel and was extremely concerned at the army's systematic use of rape as a means of intimidation.

25. Anyone who dared to raise the issue of the Chittagong Hill Tracts was harassed by the security forces. For example, 960 copies of the International Commission's report, published quite legally, had been confiscated the previous year by the Bangladesh police. Two members of the Bangladesh Citizens' Committee had been arrested and interrogated at Dhaka for issuing copies of the report. In September 1991, a human rights worker from Nepal had been arrested and interrogated at Dhaka Airport while preparing to board a flight to Kathmandu. His only crime had been having a copy of the Commission's report in his luggage. Under the Special Powers Act, which the new Government had promised to repeal, 78 Jummas were currently detained at Rangamati prison and 38 at Chittagong prison for campaigning openly and legally against human rights violations in the Chittagong Hill Tracts. A letter of protest sent to the Government of Khaleda Zia by Mr. Wilfried Telkaemper, a member of the International Chittagong Hill Tracts Commission, had remained unanswered.

26. IWGIA had learned that the army had raised the level of Lake Kaptai in the Chittagong Hill Tracts to 110 feet, flooding the farmlands of the Jummas, whom the army also prohibited from fishing in the lake and from felling trees in the area. However, the Bengali timber merchants were still logging there without problems. Far from being designed to protect the environment, those measures were evidently intended to prevent financial aid from reaching the Jumma combatants, the Shanti Bahini (Peace Force). Consequently, the Jummas were dying of hunger, having no form of sustenance other than bamboo shoots and the stems of banana trees.

27. The issue of the Chittagong Hill Tracts had not been debated in Parliament since the election of the new Government of Khaleda Zia, which was merely pursuing the repressive policy of Hussein Mohammed Ershad. IWGIA earnestly appealed for the recommendations of the International Chittagong Hill Tracts Commission to be acted upon and for the system of parliamentary democracy in Bangladesh to be extended to include that area.

28. Mrs. COLIVER (Article 19, the International Centre Against Censorship) expressed grave concern at the widespread censorship that was being practised in the Kingdom of Bhutan and went on to speak of the violations of freedom of expression which were being committed in three countries: Iran, Myanmar and Sri Lanka.

29. In the case of the Islamic Republic of Iran, although the Government had given an undertaking to the Special Representative of the Secretary-General to show greater respect for international human rights standards, it was manifestly continuing to violate fundamental rights on a massive scale. For example, it was estimated that several thousand detainees were currently being held in Iranian prisons for the non-violent exercise of their right of freedom of expression. The precise number could not be determined because the Iranian Government was refusing to provide information. Iranian citizens who held political opinions opposed to those of the Government still ran the risk of being arrested, tortured and even executed. Moreover, the Iranian Government had refused to allow the International Committee of the Red Cross access to prisoners. In view of that situation, her organization earnestly requested the Commission to extend the mandate of the Special Representative for a further year.

30. Her organization was also deeply concerned at the human rights situation in Myanmar. Imprisonment, torture and massacres were being committed with total impunity in that country, which had become one of the least accessible anywhere in the world. The human rights violations committed by the State Law and Order Restoration Council (SLORC) in themselves justified the appointment of a special rapporteur. There were countless examples of those violations, such as the detention of more than 100 members of Parliament and hundreds of members of the new democratic parties, the arrest of Buddhist monks, cases of death in custody, torture, ill-treatment and restrictions on the right to practise the Christian and Islamic religions. Furthermore, the civil war in Myanmar was spilling over into Thailand and Bangladesh, where more than 150,000 persons had already sought refuge. She therefore urged the Commission to suspend its consideration of the situation in Myanmar under the confidential 1503 procedure and appoint a special rapporteur to report to the General Assembly in September and to the Commission at its forty-ninth session.

31. She also called upon the Commission to take action concerning Sri Lanka. One of the world's most murderous wars was still raging in the north and north-east of that country. The excellent report (E/CN.4/1992/18/Add.1) prepared by the Working Group on Enforced or Involuntary Disappearances, which had visited Sri Lanka in October 1991, showed that the Government or its partisans were responsible for more than 1,000 disappearances in 1991. The investigation and prosecution procedures were slow and largely ineffective. In view of that situation, her organization was again, as in previous years, asking the Commission to appoint a special rapporteur to examine the question of human rights in Sri Lanka. She also urged the Commission to adopt the recommendations of the Working Group, invite the Sub-Commission on Prevention of Discrimination and Protection of Minorities to examine the Government's compliance with those recommendations, and request the Special Rapporteur to visit Sri Lanka, as a matter of high priority, particularly since the Sri Lankan Government had already issued an invitation to that effect.

32. Mrs. BECK (World Movement of Mothers) expressed gratitude to all the countries which, after years of sanguinary and fruitless struggle, had been able to establish peace and adopt a democratic system. Unfortunately, in all too many countries and regions of the world, the population was still living

in blood and tears. The World Movement of Mothers was not passing judgement on the political aspect of conflicts; it merely wished to express the views of the mothers and their children who were the innocent victims of those tragedies. All their sufferings resulted from the same process: establishment of a police State; summary arrests; detention, torture, ill-treatment, rape and forced prostitution of women; disappearance of children; displacement of populations; and irreparable destruction of cities. That had happened in so many countries that it was impossible to name them all. In an age of unprecedented technical progress, how could the men in power be incapable of settling their disputes by non-violent means? The World Movement of Mothers fully endorsed the remarks made before the Commission by, among others, Mr. Bernard Kouchner, Secretary of State for Humanitarian Affairs of France, and Mr. René Felber, Minister for Foreign Affairs and current President of the Swiss Confederation. Like them, it proposed recognition of a right to intervene in conflicts and urged the Commission to spare no effort to encourage the Security Council of the United Nations to intervene before those conflicts escalated, with a view to prevention rather than cure.

33. Mrs. MILAS-MATUTINOVIC (World Movement of Mothers), taking the floor after Mrs. Beck, said that she had come specially from Croatia to speak of the flagrant violations of human rights that were being committed in the territory of the Republic of Croatia, since she wished to inform the Commission of the extent and characteristics of those violations. Non-Serbian civilians were being systematically expelled from their homes and 750,000 persons had so far been displaced in Croatia. The methods of expulsion were often extremely brutal and several hundred civilians, including elderly persons, women and children, had been massacred; Croatian villages and towns were being systematically destroyed and civilian buildings, such as hospitals, schools, churches, etc., were being targeted in violation of the resolutions and conventions of the United Nations and instruments of humanitarian law, to which the former Yugoslavia had been a party. After looting a village or a town, the Serbians systematically destroyed the civil status and land registers and devastated the cemeteries to obliterate all trace of Croatian life.

34. About 85,000 persons, mostly residents of the town of Vukovar, had been taken prisoner and were currently held in detention and concentration camps. It should be realized that, in the heart of Europe at the end of the twentieth century, there were more than 40 concentration camps in Serbia and in the part of Croatia occupied by the Serbian terrorists. The prisoners were mainly civilians, women, children and wounded persons. Moreover, 2,000 Croats were still enlisted in the army against their will. She called upon the Commission to do its utmost to save the innocent civilian population of Croatia.

35. Mr. DIENG (International Commission of Jurists) said that political considerations weighed heavily on the Commission's debates every year and he deplored the fact that only violations committed in some countries were denounced. The Commission's debates should highlight the responsibilities of the States which were denying their citizens their most basic rights and should not be used to score points against political adversaries. While the

International Commission of Jurists believed that multi-party systems were the most conducive to democracy and human rights, it was against using the Commission on Human Rights in an attempt to impose particular systems on sovereign States. In any case, political pluralism did not necessarily ensure respect for human rights, as could be seen from what was happening in States such as Colombia, Guatemala, Peru, the Philippines and Sri Lanka. A truly democratic system, in which citizens could freely participate in the affairs of the country, and respect for the rule of law offered the best safeguards for human rights.

36. The International Commission of Jurists wished to draw attention to the situation in two countries which, although not referred to in the agenda, could not go unmentioned. Indonesia had invaded and occupied East Timor in 1975. Between 1975 and 1980 more than 100,000 persons (out of a total population of 700,000) had been killed. A further 100,000 persons were believed to have died since 1980. The international community's silence in the face of that tragic state of affairs had been remarkable. The world had finally taken an interest in East Timor the previous November when the security forces had opened fire on a crowd of demonstrators, killing between 100 and 200 persons. Faced with an international outcry, the Indonesian Government had appointed a commission of inquiry, whose preliminary findings implicitly blamed the angry crowd which had allegedly provoked the security forces into a spontaneous overreaction without any order being given to open fire. However, a report which the International Commission of Jurists was releasing that same day found that, according to eyewitnesses, the truth of the matter was quite different. In fact, the demonstration had proceeded peacefully until the security forces opened fire on the crowd. It was therefore evident that the commission of inquiry had not shown the requisite degree of impartiality. Furthermore, it was noteworthy that, whereas none of the military officers had been tried, dozens of demonstrators were still in detention. The International Commission of Jurists noted with satisfaction that Mr. Amos Wako, the personal envoy of the Secretary-General, had been received by the Indonesian authorities; however, such diplomatic contacts were no substitute for an impartial investigation and a study of the human rights situation on that occupied island.

37. In Myanmar, the State Law and Order Restoration Council (SLORC), which had taken power by force in 1988, had refused to transfer power to the forces which had won an overwhelming victory in the 1990 elections. It was flouting human rights, ruining the country's economy and devastating the environment. An investigation conducted by the International Commission of Jurists had shown that political freedoms in Myanmar had been virtually abolished. All criticism of the Government was illegal and the expression of dissenting opinions was punished. Moreover, the SLORC had "relocated" more than half a million persons to areas that lacked schools, hospitals and sanitary installations and were often infested with malaria. Military personnel used villagers and persons who had been arrested in the cities, including children, pregnant women and sick persons, as porters to carry food and weapons for the army. The judiciary was subservient to the SLORC. Furthermore, the forests in the border areas were being destroyed, thereby endangering the environment.

The international community should impose strict economic sanctions on Myanmar until the SLORC transferred power to civilians in accordance with the 1990 election results.

38. In 1960, the International Commission of Jurists had published an important study on the situation in Tibet. That study indicated that the Chinese authorities had violated the civil and political rights of the Tibetans, as well as their economic, social and cultural rights, and that acts of genocide had been committed against the Tibetans as a religious group. Those violations were still continuing. The International Commission of Jurists therefore urged the Commission to give attention to the situation in Tibet as well.

39. Mr. ABDULLAH (United Arab Emirates) spoke on agenda item 12 (b), concerning the human rights situation in occupied Kuwait. He welcomed the very useful report that had been presented by the Special Rapporteur assigned to examine the human rights situation in that country (E/CN.4/1992/26). Iraq's invasion of Kuwait constituted a flagrant violation of international law and international human rights instruments as well as a serious assault on the identity and freedoms of the Kuwaiti people. Iraq's occupation of Kuwait and the massacres committed by the Iraqis had been condemned by peace-loving forces throughout the world and by regional and international organizations.

40. For Kuwait, the economic consequences of the Iraqi invasion and occupation had been devastating. More than 700 oil wells had been set ablaze and the environment had been gravely damaged by the air and water pollution resulting from the explosion of the wells. Finally, it should not be forgotten that, when the Iraqi forces had withdrawn from Kuwait, they had taken with them Kuwaiti civilians and military personnel and, although some of them had since been released, 200 Kuwaiti citizens and nationals of other countries were still listed as missing. Iraq's refusal to release the prisoners constituted a violation of the Security Council resolutions and of international law. Consequently, the United Arab Emirates urged the Commission to call upon the Iraqi Government to respect humanitarian law, the United Nations resolutions, particularly the relevant resolutions of the Security Council, and the decisions of the Compensation Fund.

41. Mr. CENKO (Observer for Albania) thanked the Under-Secretary-General for Human Rights and the Centre for Human Rights for their support for the process of democratization and the promotion of human rights in his country. In spite of the generally positive changes that had taken place in the field of human rights throughout the world, still greater attention should be given to ensuring that Member States respected their humanitarian obligations and to identifying particularly serious situations. In that regard, consideration should be given to the situation of the 3 million Albanians in Yugoslavia, who constituted not only the oldest but also the third numerically largest indigenous population after the Serbs and Croats. In the regions of Yugoslavia inhabited by Albanians, and particularly Kosovo, where most of them lived, the Serbian authorities were acting in a manner incompatible with United Nations human rights instruments and with democracy. The Albanian population, on the other hand, were showing tolerance and maturity by avoiding provocation and expressing, in a legal and democratic manner, their

determination to enjoy their rights on a footing of equality with the other peoples of Yugoslavia. It was high time for the question of the violation of the rights of the Albanians in Yugoslavia to be examined with particularly close attention by the Commission which, on the threshold of the twenty-first century, should not tolerate apartheid practices in the heart of the European continent.

42. Although that distressing situation was well known, he must recapitulate some facts which proved that, in 1991, the Yugoslav authorities had intensified their campaign of repression against the Albanians, especially the Albanian majority in Kosovo. Those facts, which had been reflected in official statements, in the press, in declarations or reports by Albanian or non-governmental humanitarian organizations and in the resolutions adopted by various States, were in marked contrast to the humanitarian standards defined in the Universal Declaration of Human Rights. It was particularly disturbing to note that the Albanians in Yugoslavia were being denied the most basic of rights, which was that to life, since in 1991, in time of peace, several of them had been assassinated or had died as a result of torture. In the last three years, Serbian police or military terror had caused the deaths of 85 Albanian civilians. An even greater atrocity was the poisoning, by toxic gas, of 7,000 students of Albanian origin in their classrooms in March 1990. Hundreds of the victims were still in a very serious condition. Tens of thousands of Albanians in Yugoslavia had also been tortured or ill-treated in the course of political trials, not to mention the hundreds of others who had suffered gunshot wounds. Although those practices were widespread mainly in Kosovo, similar abuses had also been reported in Macedonia where, for example, an Albanian had been beaten to death by policemen in 1991.

43. The judiciary in Yugoslavia was subject to the political authorities and was influenced by ethnic criteria. Albanians did not enjoy equal protection before the law and the courts sentenced them to penalties that were much harsher than those inflicted on Serbs or Montenegrins. The courts in Kosovo had been suspended and partly transferred to Belgrade, where the Albanian judges had been replaced by Serbs and Montenegrins. In Macedonia too the courts took an anti-Albanian stance. In 1991 the arbitrary arrests had continued in Kosovo and elsewhere, and Yugoslavia could rightly be said to have been transformed into a prison for all Albanians. Since 1981, almost a million of them had been in police hands for alleged "breaches of the peace" or as a result of mere denunciations. That had happened to many intellectuals, who had been arrested and held in prison for months.

44. The situation was also grave in regard to encroachments on Albanians' right to freedom of thought, opinion and expression. All opponents of the official anti-Albanian policy were immediately arrested, dismissed, expelled or isolated. Thousands of teachers at all levels had been affected by those measures, which had prevented a total of 450,000 pupils and students from pursuing their studies. Identical measures had also been taken against the Albanian intellectuals who had dared to express their opinions.

45. At the present time, Yugoslavia was the only country in Europe, and one of the few anywhere in the world, in which there were still political prisoners. In the last three years, about 30,000 Albanians had been convicted in summary proceedings for "political infringements" under article 305 of a Serbian enactment, which was never applied except to them. The right to information was also subject to restrictions. For almost two years, the police had been occupying the radio and television building at Pristina and hundreds of journalists and technicians had been dismissed. Similar restrictions had been imposed on the only daily newspaper in Albanian. Journalists were sometimes summoned to police stations, arrested, beaten, prosecuted and even sentenced to terms of imprisonment. Every means was being used to prevent Albanians from exercising their right to freedom of assembly, association and peaceful demonstration, including the right to strike. In Kosovo, Serbia was making it almost impossible for the political opposition parties to engage in any activity. Tens of thousands of workers had been dismissed for participating in a 24-hour strike in September 1990, even though that fundamental right was recognized in Yugoslav legislation.

46. The right to work was also being flagrantly violated in Kosovo, where unemployment was affecting the Albanians more severely than the other ethnic groups, particularly since 26 July 1990 when the Serbian Parliament had adopted a legislative enactment concerning contracts of employment in special circumstances, which had led to the immediate dismissal of 60,000 Albanians. All Albanian policemen, business managers, judges, prosecutors and civil servants had been dismissed and 3,000 small private firms had been closed down. The methods of dismissal which Serbia was applying in Kosovo were also completely contrary to international conventions and it was reported that the total number of Albanians who had been dismissed for ethnic or political reasons currently amounted to 100,000.

47. Furthermore, the right to own private property was being flouted and the economic infrastructure of Kosovo destroyed. The medical system had been virtually dismantled with, as a direct result, a considerable rise in the mortality rate, particularly among children. The upshot was that more than 120,000 families were living in such precarious conditions that it could be affirmed that they were being denied the right to an adequate standard of living.

48. Serious violations, and even denial, of the right to education had been observed. Albanian university staff had been arbitrarily replaced by Serbs and Montenegrins, Albanian-language secondary schools in Kosovo had been closed in 1990 and Albanian students were being denied access to secondary or university education. As already noted, nearly 500,000 pupils and students were suffering from those restrictions. Serbia had also taken numerous restrictive measures detrimental to the cultural identity of the Albanians, in particular by curtailing their school curricula, undermining their cultural institutions and censoring works that were "politically incorrect". Finally, a veritable "Berlin wall" had been erected to isolate the Albanians of Yugoslavia from their kinsfolk in Albania.

49. The situation in Kosovo was all the more disturbing in that the democratic and judicial institutions needed to establish the rule of law were totally lacking there. All the legitimate bodies had been dissolved, in blatant violation of the Constitution of the Yugoslav Federation. In July 1990, and then in March 1991, the Serbian Parliament had adopted unconstitutional legislation suspending the Parliament, Government and Presidency of Kosovo and removing the representative of Kosovo from the Yugoslav Presidium. Those officials had since been harassed by the police and some of them had been arrested. Serbia had also suspended the communal assemblies, the Albanian police and the judicial system in Kosovo. It could therefore be concluded that the Serbian official bodies in Kosovo were illegitimate, since they had been imposed by force of arms in an illegal and undemocratic manner. The amendments made to the Constitution of the autonomous province of Kosovo with a view to legitimizing those actions had been imposed in March 1989, under the state of emergency decreed by the Yugoslav Presidium in February 1989, through an irregular procedure and under pressure from the police and the army. Given the presence of the Serbian special police detachments, it was difficult to imagine how free and democratic elections could ever be held in Kosovo!

50. The United States of America, the European Community, Austria and other democratic countries had denounced that state of affairs and condemned the Serbian authorities, designating them as mainly responsible for it. The reports of non-governmental humanitarian organizations and the triggering of all the phases of the CSCE machinery also testified to the deterioration in the situation. In the Commission itself, many speakers had emphasized the obligations of States Members of the United Nations in regard to human rights and had expressed their concern at the rapid deterioration in the situation in Yugoslavia. Since human rights could not be promoted effectively when discrimination, oppression, forced assimilation and partial or total denial of individual and collective rights had become the general rule, the Commission should take into consideration the petition, signed by 500,000 ethnic Albanians, which had been submitted to it and should express support for the fundamental and national rights of the Albanians in Yugoslavia.

51. Ms. ATTAH (Nigeria) reminded the Commission that, at its previous session, her delegation had voiced concern at the human rights situation in Cyprus and expressed the hope that intercommunal dialogue would make it possible to reach a solution. Unfortunately, the situation had remained unchanged. A study of document E/CN.4/1992/3 showed that the tension and human rights violations had continued in Cyprus in spite of Security Council resolutions 541 (1983), 550 (1984), 649 (1990) and 716 (1991) and Commission resolution 1987/50.

52. The principal obstacle remained the occupation of part of Cyprus by foreign troops, whose withdrawal was a sine qua non for the exercise of human rights and fundamental freedoms, including the right to self-determination. It was inadmissible, also, to alter by force the demographic structure of parts of Cyprus, such as Varosha. The Security Council had already declared the purported secession of the occupied territory to be illegal and invalid.

As a member of the Non-aligned Movement and the Commonwealth Action Group on Cyprus, Nigeria would continue to contribute to a peaceful, just and lasting solution to the problem on the basis of the independence, sovereignty, territorial integrity and unity of Cyprus. In their communiqué issued in October 1991, the Commonwealth Heads of Government had stressed the need for compliance with all the United Nations resolutions on Cyprus in order to reach a negotiated settlement under the auspices of the Secretary-General. Her delegation remained convinced that such a settlement must be achieved through intercommunal discussions based on the high-level agreements concluded between the leaders of the Greek and Turkish Cypriot communities in 1977 and 1979 and on respect for the principles of the Charter of the United Nations and the declarations of the Council of Europe, the Non-aligned Movement and the Commonwealth.

53. She paid tribute to the Secretary-General of the United Nations for his good offices and hoped that he would be able to consider new approaches to solve the problem. She also commended the personal efforts which the President of the United States had made to the same end, as well as the endeavours of the Commission on Human Rights, the Council of Europe, the Non-aligned Movement and the Commonwealth. The two parties concerned must now cooperate unreservedly with the Secretary-General and the international community. She stressed the need for the question of Cyprus to remain on the Commission's agenda until it had been finally solved and expressed the hope that 1992 would be the International Year of Cyprus.

54. Mr. EL-KHAZEN (Observer for Lebanon) said that Israel had attacked Lebanon that very morning. Armoured vehicles, supported by aircraft and helicopters, had bombed and invaded territories outside the "security zone". UNIFIL had attempted to intervene and two of its members had been wounded. Heavy fighting was continuing around the villages of Kafra and Yater, with all the consequences that that implied for peace not only in Lebanon but throughout the Middle East.

55. Lebanon, which had had the honour to participate actively in the drafting of the Universal Declaration of Human Rights, and in whose view those rights embodied one of the most noble objectives of the United Nations, noted that Israel, a Member State of the United Nations, was continuing to violate those rights and engage in inhuman practices in southern Lebanon. Notwithstanding the numerous resolutions of the General Assembly of the United Nations, of the Security Council (resolutions 425 (1978) and 508 and 509 (1982)) and of the Commission calling upon it to withdraw from all the Lebanese territory that it was occupying, Israel was holding on to its so-called "security zone" under the fallacious pretext of protecting its northern region. Israel's scepticism as to the ability of the Lebanese army to extend the State's authority throughout its territory and guarantee security, particularly in southern Lebanon, could not justify its persistent aggression and occupation in Lebanon.

56. In its resolution 1991/66, the Commission had expressed grave concern at the continuing practices of the Israeli occupation forces in southern Lebanon, which constituted a violation of the Charter of the United Nations, the principles of international law, the Universal Declaration of Human Rights,

the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and The Hague Convention IV of 1907. Israel had paid no heed to that resolution and had likewise disregarded the note verbale dated 27 June 1991 from the Secretary-General of the United Nations to the Israeli Minister for Foreign Affairs requesting information concerning the implementation of that resolution (see document E/CN.4/1992/36). That showed once again how much importance Israel attached to all those resolutions and to the role of the Commission.

57. For their part, however, the Lebanese citizens living under Israeli occupation in southern Lebanon and neighbouring areas could no longer endure such sufferings, of which he would give a distressing and necessarily lengthy account. Since 1978, many localities in the western Bekaa, Tyre, Sidon, Nabatieh and other areas, had been subjected to artillery fire and aerial bombardments to which many civilians in the Palestinian camp and elsewhere, including women and children, had fallen victim and which had also caused great material damage. Particularly murderous attacks had been launched on the eve of the peace conference at Madrid and just before the resumption of the negotiations at Washington. Those were only a few of the thousand examples that could be quoted. Southern Lebanon was being subjected to a policy of brutal repression: blowing up of houses, destruction of crops and blockades, sometimes amounting to sieges, of some recalcitrant villages which were thereby deprived of medicine and foodstuffs. As a result, tens of thousands of citizens were no longer able to live in their homes.

58. Israeli forces were also obstructing the activities of the Lebanese authorities and the deployment of the Lebanese army and UNIFIL. They were likewise impeding the humanitarian operations of the International Committee of the Red Cross, which was unable to visit Israeli detention centres, such as those at Khiam and Marjayoun, in spite of Commission resolution 1991/66. That abnormal situation would not end until the unlawful Israeli presence had been terminated and Security Council resolutions 505, 509 and 425 were fully implemented. Pursuant to the last-named resolution, the Lebanese State was doing everything in its power to extend its sovereign authority to the occupied parts of southern Lebanon. Thus the carrying of weapons was prohibited in that region, the Lebanese army was patrolling the ports along the entire length of the coast and was deployed at Sidon and Tyre, heavy and medium weapons were confiscated and light weapons would soon be so. If the Lebanese State was not succeeding in restoring stability and security in southern Lebanon, it was simply because Israel was forcibly preventing it from doing so.

59. In conclusion, he expressed his gratitude to ICRC, UNIFIL and the countries that were contributing to the human or material composition of those international forces. He appealed to the international community to ensure the triumph of right and justice by putting an end to the Israeli occupation, which constituted a flagrant violation of Lebanese sovereignty, and to the illegal and inhuman practices in which Israel was engaging in that country in total disregard of all international values and laws.

60. Mr. PASTOR RIDRUEJO (Special Representative of the Commission on Human Rights) presented his report on the human rights situation in El Salvador (E/CN.4/1992/32). He declared himself very satisfied with the efforts of the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) to promote peace. Those efforts, made under the auspices of the Secretary-General of the United Nations, had produced spectacular and very promising results in recent months. For example, the New York Agreement concluded on 25 September 1991 provided, inter alia, for the establishment of a National Commission for the Consolidation of Peace (COPAZ), as well as the agenda for the negotiations on the new National Civil Police and the agenda for negotiations on pending items. Above all, the New York Agreement signed on 31 December 1991 and ratified at Mexico City on 16 January 1992 made provision for a final cessation of the armed confrontation with effect from 31 October 1992. The Commission should therefore feel gratified that its sustained pressure in favour of a negotiated solution had not been in vain. For El Salvador, the New York Agreement, in which common sense triumphed over violence, had inaugurated an era of reconciliation and reconstruction and of full respect for human rights.

61. However, the ideals of peace and harmony that had presided over the negotiations between the Government and the FMLN were by no means reflected in everyday life. In 1991, El Salvador had unfortunately still been the scene of grave violations of human rights. Summary executions carried out for political reasons by members of forces representing the State were continuing. The "death squads", which there was good reason to think were tolerated by those forces, were still operating. Abductions, sometimes culminating in disappearances, were continuing and officials of humanitarian organizations were still facing grave threats. Psychological intimidation, which was tantamount to torture, was still being practised during the extrajudicial interrogation of persons detained for political reasons.

62. However, with regard to criminal justice, the sentence of 30 years' imprisonment pronounced on 28 September 1991 against an army colonel and a lieutenant, who had been found guilty of the murder of the Jesuit priests and of their servant's daughter, should be welcomed. Although the other accused persons had been exculpated, probabaly because they were subordinates obliged to obey orders, the unusual nature of a verdict convicting a colonel and a lieutenant in the army should be highlighted. Moreover, according to information he had received, the investigations were to continue in order to identify possible instigators of the crime and determine the punishment that should be inflicted on them. Unfortunately, that case constituted an exception and little progress had been made in many other criminal proceedings concerning serious violations of human rights committed several years ago.

63. From the standpoint of international humanitarian law, he had reached the conclusion that, although it was difficult to determine the exact figures, the armed forces in El Salvador were not deliberately targeting the civilian population and their operations in 1991 had led to fewer civilian victims than in the previous year. In view of the difficulty of investigating summary executions of guerrillas captured in battle, he could not draw any precise conclusions in that regard.

64. In 1991, the FMLN for its part had carried out summary executions of off-duty soldiers and persons suspected of collaboration with the armed forces, abductions, forced recruitment of minors under 15 years of age, attacks on the country's economic infrastructure, and extortion of "war taxes". Many civilians had fallen victim to its contact mines or had been killed or seriously wounded by fire from its partisans.

65. Another matter of concern was the persistence in various social sectors and among some radical groups of a taste for violence and confrontation which ran counter to the objectives of peace and harmony for which the Government and the FMLN were striving in their negotiations. According to reports which he had not yet been able to verify, crimes disturbingly similar to some committed in the past had occurred in January 1992 and serious threats had been made against members of the National Council of Churches. He therefore strongly urged the Government of El Salvador and the FMLN to do their utmost to inculcate in all their forces and all the country's social sectors the ideals of peace and reconciliation that had prevailed during the negotiations. He also strongly recommended to the constitutional authorities in El Salvador and to the FMLN that they should collaborate fully with the United Nations observer mission (ONUSAL) and with the Division of Human Rights.

66. Mr. Ennaceur (Tunisia) took the Chair.

67. Mr. CORREIA (Angola) said that, precisely by virtue of its history, the People's Republic of Angola was committed to the defence of the fundamental rights and freedoms of individuals and peoples. That principle, which was embodied in its constitutional law, was also applied in Angola's foreign relations. Being a front-line country, Angola had suffered greatly at the hands of Pretoria's war machine and, in fact, had more physically handicapped persons and orphans than any other country in the world. However, its resistance, sustained by international solidarity, had thwarted the aims of the apartheid regime, forcing the latter to enter into a dialogue which, in 1988, had led to the signature of the New York agreements. Those agreements, which were extremely important for peace and security in the region, had in particular enabled Namibia to achieve independence. A cycle of violence and intolerance had thereby given way to a constructive dialogue and, following the elimination of the elements extraneous to the Angolan conflict, which had been fostering a fratricidal war in that country, conditions had become more favourable for a genuine national reconciliation. That reconciliation had been sealed by the peace agreement concluded between the Government and UNITA on 31 May 1991 and had enabled the country to make far-reaching political and socio-economic changes with a view to establishing the rule of law. The constitutional law now guaranteed more comprehensively the fundamental rights and freedoms of citizens; the specific wartime laws and capital punishment for crimes against the security of the State had been abolished and freedom of expression, association, assembly and trade-union organization was protected by a legislative enactment.

68. Looking to the future, he referred to the multi-party elections which various bodies, including the United Nations, would be helping to organize, and to the socio-economic development which would make it possible to guarantee

the enjoyment of fundamental rights and freedoms. To achieve that objective, however, Angola was more than ever in need of the international community's support and solidarity.

69. He welcomed the fact that international relations in general were currently undergoing profound transformations conducive to peace and development. That situation should be exploited without delay in order to democratize those relations so that all countries, whether small or large, would assume the same responsibilities in regard to the future of mankind. Being deeply committed to the principles of the Universal Declaration of Human Rights, having acceded without reservation to all the international instruments pertaining thereto, and being ready to cooperate with the international community in the promotion of fundamental rights and freedoms for all, the People's Republic of Angola nevertheless feared the current tendency to use human rights for political ends and, in short, interfere in the internal affairs of legitimate Governments. That tendency could actually prove detrimental rather than conducive to the promotion of human rights.

70. The transformation of international relations in a manner beneficial to human rights was largely attributable to the end of the cold war and of the East-West confrontation. He wondered whether the time had not also come to put an end to the North-South confrontation and establish the mechanisms needed to bridge the gap between rich and poor and between developed and developing countries. The countries of the South would then be able to enjoy greater social justice and true democracy. When millions of children no longer died every day from easily curable diseases, when they had access to basic education and were no longer obliged to prostitute themselves or to work at a young age in order to survive, it would be possible to speak of real promotion and enjoyment of human rights for all. But again, none of that would be possible without the help of the international community.

71. The right of peoples to self-determination, a principle to which the People's Republic of Angola was particularly attached, was a precondition for the enjoyment of the other fundamental human rights. Angola therefore welcomed the progress that had been made on the question of the Western Sahara and urged the parties concerned to cooperate with the Secretary-General of the United Nations in bringing to fruition in that territory the referendum process provided for in the United Nations plan.

72. However, there remained many matters of concern in that field, not least the situation in Palestine and in the Middle East in general. The case of East Timor was also extremely disturbing and even more incomprehensible. In fact, that territory had fallen victim to a country whose behaviour was difficult to understand in view of the fact that it too had suffered the horrors of foreign domination and had thitherto always respected the principles of the Movement of Non-aligned Countries. Angola was in favour of negotiations between Portugal and Indonesia which would not exclude the physical presence of legitimate representatives of the people of East Timor, in order to reach a solution that would take due account of that people's legitimate aspirations to self-determination and independence.

73. In that connection it would be remembered that, after the massacre to which that people had been subjected on 12 November, the permanent representatives of the five Portuguese-speaking African countries to the United Nations had published a joint declaration, which had been distributed under the symbol S/23235. In that declaration, they had indignantly condemned the massacre perpetrated by the Indonesian forces of repression and had called upon the Indonesian Government to put an immediate end to the acts of violence against the people of East Timor. They had also invited the Commission on Human Rights to take the necessary steps to undertake a fact-finding mission as soon as possible. It was to be hoped that Indonesia, which would soon be presiding over the destinies of the Movement of Non-aligned Countries, and would undoubtedly do so in a commendable manner, would follow the path of reason and recognize the right to self-determination of the people of East Timor.

74. In conclusion, he affirmed that his country unreservedly supported the idea of the World Conference on Human Rights and was also in favour of an in-depth study being conducted of the relationship between the right to development and human rights in general.

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Forty-eighth session

SUMMARY RECORD OF THE 36th MEETING
(SECOND PART*)

Held at the Palais des Nations, Geneva,
on Thursday, 20 February 1992, at 6.15 p.m.

Chairman: Mr. ENNACEUR (Tunisia)
later: Mr. SOLT (Hungary)

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* The summary record of the first part of the meeting appears as document E/CN.4/1992/SR.36.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(b) SITUATION OF HUMAN RIGHTS IN OCCUPIED KUWAIT

(c) STUDY OF SITUATIONS WHICH APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AS PROVIDED FOR IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1235 (XLII) AND 1503 (XLVIII): REPORT OF THE WORKING GROUP ON SITUATION (agenda item 12) (continued) (E/CN.4/1992/3; E/CN.4/1992/4; E/CN.4/1992/25; E/CN.4/1992/26; E/CN.4/1992/27; and Corr.1; E/CN.4/1992/28 and Add.1; E/CN.4/1992/29; E/CN.4/1992/31; E/CN.4/1992/32; E/CN.4/1992/34; E/CN.4/1992/35; E/CN.4/1992/36; E/CN.4/1992/37; E/CN.4/1992/60 (S/23212); E/CN.4/1992/64; E/CN.4/1992/67; E/CN.4/1992/68; E/CN.4/1992/CRP.1; E/CN.4/1992/NGO/2; E/CN.4/1992/NGO/5; E/CN.4/1992/NGO/10; E/CN.4/1992/NGO/13; E/CN.4/1992/NGO/19; E/CN.4/1992/NGO/24; E/CN.4/1991/NGO/34; E/CN.4/1991/24; E/CN.4/1991/27; E/CN.4/1991/28; E/CN.4/1991/29; E/CN.4/1991/30; E/CN.4/1991/31; E/CN.4/1991/33 and Add.1; E/CN.4/1991/34; E/CN.4/1991/35; E/CN.4/1991/36; A/46/446; A/46/529; A/46/542; A/46/544 and Corr.1; A/46/606; A/46/647)

1. Mr. SCHIFTER (United States of America) said that, although the standards set by the Universal Declaration of Human Rights were now more highly respected around the globe than at any time since its adoption by the United Nations General Assembly, a great many problems continued to beset the world as a result of the abuse of human rights. They included problems posed by countries which had imported Marxist-Leninist philosophy from abroad and which sought to preserve that import despite its total abandonment in its place of origin.

2. Earlier opposition on Marxist-Leninist grounds to the international community's efforts to translate the principles of the Declaration into a consistent programme had been replaced by a different rhetoric; the countries in question now sought to justify their own actions in terms of the basic ground rules of human rights. In November 1991, one of the countries which still espoused Marxism-Leninism had issued a comprehensive document on the subject of human rights containing a number of propositions and allegations which needed to be discussed and, in some cases, seriously challenged.

3. First, it was and had frequently been argued that the right to subsistence was the foremost human right. Although death from starvation and freedom of expression were obviously incompatible, he wondered where that proposition and similar contentions concerning economic and social issues led in the context of a human rights debate, since it was generally agreed that one of the major responsibilities of a Government was to help provide a sound foundation for a prospering economy and social progress and that respect for civil and political rights, including free speech and free elections, went hand in hand with human progress. He would also point out that candidates seen as best able to effect economic improvement fared best in democratic elections; that open, rather than closed, societies had consistently proved

best able to raise standards of living; and that, while the command economy held back development, there were benefits for all where a people's natural entrepreneurial spirit bloomed. He was, however, not sure whether the Commission on Human Rights was the best forum for constructive debate on such issues: was not the creation of a free society its proper field of study?

4. It was argued that a country's human rights situation should not be judged without reference to its history and national conditions and according to a preconceived model or conditions in another country. True, there could be national rules for the protection of human rights that did not reflect or constitute international standards. However, there was no room for mere lip service to principles such as the one embodied in article 5 of the Universal Declaration, which stipulated that "No one shall be subject to torture or to cruel, degrading or inhuman treatment or punishment". Compliance with that highly important article should not depend on a country's history and national conditions; every country had a moral tradition which echoed that commitment and every Government had a duty to stamp out such treatment. Nor did a mere declaration that torture was not official policy constitute compliance if a blind eye was turned to officials who engaged in that practice.

5. Freedom of peaceful assembly, which was provided for in article 20 of the Declaration, must not be conditional on the utterance of politically correct thought or applause for the current ideological line. The use of violent force to disperse a peaceful assembly could not be justified on the grounds of history and national conditions. Freedom of opinion, expression and information, as referred to in article 19, was not complied with by contending that "ideas alone do not constitute a crime". That article protected the right to express opinions and to impart information; history and national conditions should not prevent anyone from giving full peaceful expression to his beliefs. Did not the expression of ideas, which was in some places regarded as counter-revolutionary and a criminal offence, offer a healthy guarantee of change for the better and, for example, an end to corruption? What made criticism of governmental wrongdoing such a bad thing?

6. According to the Leninist approach to human rights, those rights were respected when a country prohibited unlawful arrest and unlawful house searches and body searches. That statement nevertheless rang somewhat hollow when it was discovered that public security bodies had unbridled discretion to detain and to search in what appeared to be flagrant violation of the standards laid down in articles 9, 11, and 12 of the Universal Declaration. As to freedom of conscience and religion, it was as important to determine what was prohibited as to acknowledge what a Government might impose as legal. There should be no impediment whatever to the maintenance of spiritual ties or to freedom of worship.

7. In the light of those considerations, it seemed clear to him that, in countries which still adhered to Leninist doctrine, there was a broad pattern of contravention of internationally recognized human rights, as clearly spelled out in the Universal Declaration. However, another matter which called for attention was the frequently repeated assertion that discussion of a country's failure to abide by international standards constituted improper interference in its internal affairs and was contrary to Article II, Section 7, of the United Nations Charter. While that Article did provide for

non-interference, that was in matters which were "essentially within the domestic jurisdiction" of Member States. It would be recalled that, following the Second World War, the international community had pledged the United Nations to the promotion and encouragement of respect for human rights and fundamental freedoms, specifying that human rights problems would no longer be considered as essentially within domestic jurisdiction. As long ago as 1952, the United Nations had put that principle into practice, refuting South Africa's arguments of "interference" and deciding to focus attention on apartheid: had not that attention been maintained over the years with the support of those very countries which were now so quick to criticize others' interest in their own approach to human rights? Human rights violations were of concern to the international community whether they caused a person to be barred from a public place because of the colour of his skin or whether they caused a person to be imprisoned for organizing religious observance or putting up a poster extolling democracy.

8. Mr. GRAVES (World Conference on Religion and Peace), recalling that a child victim of napalm bombing in the marshlands of southern Iraq had appeared at an earlier meeting of the Commission, said it was obvious from the many reports received by the Commission that the Arab Shi'a populations there were not only being denied their political, economic, cultural and religious rights, but they were also being murderously assaulted and oppressed and their environment and means of livelihood were being devastated in a virtually genocidal war being waged against them by their Government.

9. His organization hoped that the Special Rapporteur would be able to pursue his mission and be granted access to all areas and populations in the country. With regard to the victims of the "marshland massacre", it called upon the Commission to request that the bombing of the marshlands should be halted and that the Iraqi forces should be withdrawn from the region; to recommend that United Nations forces should be admitted to the area to supervise the distribution of medical supplies, that a United Nations presence should be established to facilitate the work of reconstruction and that the displaced population should be allowed to return home; and to request the Iraqi Government to start rebuilding the schools and hospitals damaged by military action and guarantee a return of the situation to normal.

10. Mr. WAREHAM (International Association against Torture) said that, throughout the developing world and for the many millions of Africans, Latinos and indigenous peoples living in the United States of America, social, political and economic indicators revealed a consistent pattern of gross violations of human rights by the deeply entrenched forces of chauvinism and racism, masquerading behind what was deemed a "kinder, gentler" attitude, but which still resulted in the expropriation of land, human and natural resources and in wilfully induced underdevelopment.

11. The United States maintained its covert presence in Central America and had to bear some measure of responsibility for acts such as the assassination, in the summer of 1991, of the representative of the International Association against Torture in Honduras, Marco Tulio López Hernández. It was not necessary to go beyond the Black population of the United States itself to see how the deliberate devastation of human life and values and assaults on the culture of an oppressed people could, through a mechanism examined by

Frantz Fanon in The Wretched of the Earth, lead that people, in its frustration, to direct violence against itself. In South Africa, as Amilcar Cabral had pointed out, the shibboleth of "assimilation" was being demolished by the imprisonment and cynical repression of the African masses in the largest concentration camp mankind had ever known. As far as Latin America was concerned, the representative of Peru had, in his statement to the Commission a few days earlier, made much of the contribution of Bartholeme de las Casas to the concept of the universality of human rights, but had failed to mention that religious man's silence on the question of slavery and had himself remained silent about the repression, discrimination and elimination by violent means that formed part of the fight against "terrorism" which the Peruvian Government was waging with United States assistance. In Guatemala, the well-documented massacre of the indigenous peoples was increasing even as the Commission met, but that situation had failed to attract the serious attention it deserved.

12. For four years, the International Association against Torture had endeavoured to alert the Commission to the myth of racial democracy supposedly present within the geographical confines of the United States and in its policies and practices. However, the unique super-Power status of the United States, its military strength and its economic leverage appeared to shield it from objective inquiry and allowed it to indulge in the kind of great-nation chauvinism that had characterized its high-handed treatment of Cuba for many years; its cavalier attitude towards the decision of the International Court of Justice finding it liable for the mining of Nicaraguan waters; its unilateral flouting of the OAS-ordered embargo on Haiti following the coup d'état there and its refusal to admit Haitian refugees; and its often genocidal assault on its own indigenous peoples.

13. In the light of all those considerations, the International Association against Torture called for the appointment of a Special Rapporteur to investigate the situation of Africans and Latinos in the United States and for the extension of the mandate of the Special Rapporteur on treaties with indigenous peoples. It urged the Honduran Government to take immediate steps to dismantle its secret police force and curb selective assassinations, to investigate the assassination of Marco Tulio López Hernández and the murder of other popular leaders and to honour the ruling of the Inter-American Court and provide the mandated compensation to victims. It called on the Peruvian Government to provide the Commission with statistics showing how many military personnel had been convicted for their involvement in what appeared to be a State policy of enforced and involuntary disappearances of critics of the Government. It requested that the situation of human rights in Guatemala should be discussed under item 12 of the Commission's agenda and that a Special Rapporteur should be appointed.

14. In conclusion, he said that failure by the Commission on Human Rights to respond to the cumulative violations committed by the United States, which his Association had cited under agenda items 7, 8, 10, 12, 14 and 17, would amount to abrogation of its responsibility to be even-handed in its deliberations. The lessons of history must not be forgotten: every time there was a double standard, an unprincipled deference to a great nation, the scene was set for an ever greater accumulation of power and a widening circle of victims, often made up of yesterday's allies.

15. Ms. MIRWAN (International Peace Bureau) said that she wished to enlist the Commission's humanitarian concern on behalf of the families of the victims of the American aggression against the cities of Bengazi and Tripoli on 15 August 1986, a wanton act of terrorism perpetrated with the assistance of the United Kingdom Government. Four hundred unarmed and innocent civilians had borne the brunt of the strike; animals and even birds had not escaped; hospitals and schools had been destroyed. The incident was but one example of the brutally hegemonistic manner, threatening for the entire world, in which a super-Power was conducting itself, especially in its relations with small countries. Should not the forces of science and technology unleashed on that occasion have been harnessed for better purposes, for human welfare?

16. She appealed to the Commission, as a prestigious body in the field of human rights, to endorse the rightful claim of the families of the victims to compensation for their material and moral suffering. She also alerted the Commission, and, through it, the international community, to the real and imminent danger of a repetition of the unwarranted aggression against Libya, again placing its people in extreme danger and jeopardizing all that the country had achieved.

17. Her Association pledged to cooperate with the Commission and all other international organizations active in the field of human rights in opposing injustice, terrorism and attempts at hegemony and in advancing all of mankind towards the goal of God-given peace.

18. Ms. AHMED (General Arab Women Federation 1944) said that, in an age in which means of oppression and destruction had kept pace with the growing complexity of life, it was becoming more urgently necessary to promote and defend the human rights not only of individuals, but of nations and of mankind as a whole. The pollution resulting from nuclear tests, wars and industrial waste constituted a serious violation of human rights, the effects of which were now being manifested in fatal diseases. The super-Powers were trying to deceive world opinion by focusing on violations of individuals' rights in various countries, claiming to defend such rights while arrogating to themselves the right to exploit the peoples of the developing world. The fact that such violations were perpetrated by Governments called for a mobilization of public opinion to compel them to abide by international human rights instruments.

19. As a representative of Arab women, she wished to cite two examples of mass violations of human rights concerning the Iraqi and Palestinian peoples. The Iraqi people were now suffering tragically from the economic and social damage inflicted by the war. Thousands of children and women were suffering from incurable diseases or from serious psychological traumas. The continuing imposition of economic sanctions, despite the fact that the reasons justifying them were no longer valid, had led to dramatic increases in disease and malnutrition. According to a survey conducted by the University of Nancy in July 1991, 50 per cent of Iraqi children under the age of five suffered from malnutrition, while thousands had died for lack of food and medicine. The continuing imposition of economic sanctions constituted a serious violation of human rights and all parties and organizations must work to end them.

20. The second example of mass violations of human rights was the activities of the Israeli forces in the Arab occupied territories. Palestinian citizens were killed or detained without the right to a free trial. The expulsion of Palestinians from their land constituted a further serious violation of human rights. In both the cases to which she had referred, it was women who bore the brunt of the burden because of the role they played in the family. On behalf of all Arab women, she appealed to the Commission to defend human rights wherever they were violated and to counter the special interests of the super-Powers. Women, children and the elderly must be permitted to live without suffering in a peaceful and secure world in which they could enjoy their legitimate rights. A call by the Commission to lift the economic sanctions against Iraq and halt the daily violations of the rights of the Palestinian people would be a significant landmark in its policy.

21. Mr. MARTIN (Amnesty International), referring to the question of human rights and internal armed conflict, said that human rights violations increasingly took place in a context in which opposition to Governments involved threatened or actual violence. More often than not, such opposition was associated with ethnic, religious or nationalist conflicts. The records of many Governments had been seriously tarnished by their actions in such situations.

22. In Latin America, non-combatant civilians in Guatemala, often of indigenous descent, had regularly been victims of the Guatemalan Army. In Peru, despite overwhelming evidence of the responsibility of the armed forces for thousands of disappearances and extrajudicial executions, military tribunals had almost always failed to convict those accused of such violations. The Government of Colombia had now recognized that any improvement in the human rights situation would require the disbanding of the paramilitary groups created by the army. A terrible legacy of human rights violations remained to be dealt with in El Salvador.

23. In Africa, Government action against insurgency had often taken the form of indiscriminate violence against the civilian population most closely identified with insurgents. Examples were the recent incidents in the Nuba mountains of Sudan, in northern districts of Uganda and in Rwanda and Burundi.

24. The largest number of disappearances over the past decade - probably amounting to tens of thousands - had been reported from Sri Lanka. The Working Group on Enforced or Involuntary Disappearances had concluded that the army, police and civil defence units had all been involved in disappearances. Those violations had for too long been passed over by the Commission and urgent measures were needed to ensure that the Working Group's recommendations were fully implemented. Scores of disappearances and extrajudicial executions continued to be reported in the Philippines and in Punjab, Kashmir and Assam, areas of India where secessionist movements had resorted to violence.

25. The longstanding pattern of human rights violations in Iraq, perpetrated to suppress both peaceful dissent and armed uprisings, demanded an exceptional response. His organization urged the Commission to establish a more extensive human rights monitoring operation in that country. Elsewhere in the Middle East, persons accused of political violence were often subjected to

torture. In Tunisia, thousands of suspected members of al-Nahda, an outlawed Islamic opposition party, had been detained and tortured and nine had died in custody over the past year.

26. In Europe, reports continued of torture and arbitrary detention in the south-east of Turkey, where Government forces faced armed opposition from the Kurdish Workers' Party. Non-combatants had been deliberately killed by Serbian and Croatian forces in Yugoslavia and in incidents in parts of the former USSR. Reports of torture and ill-treatment of suspects and of killings by security forces in the United Kingdom and Spain were examples of the problems that arose when nationalist conflicts became entrenched.

27. Political violence posed the greatest challenge to the protection of human rights. When a State resorted to gross violations, the spiral of violence was more often intensified than suppressed. A resolute and public commitment to protection of those rights was thus called for at the highest political levels, as were prompt and effective investigations and sanctions when violations were committed, not to mention rigorous training of security forces. In times of internal armed conflict, both Governments and their opponents should observe minimum standards laid down by humanitarian law. Amnesty International had long condemned the torture and killing of prisoners by armed opposition groups; it would now oppose a wider range of abuses by such groups, guided by the protection of the individual enshrined in article 3 common to the Geneva Conventions. It would also oppose other deliberate and arbitrary killings and the taking or holding of hostages, documenting patterns of such abuses and seeking opportunities to bring pressure to bear on the perpetrators.

28. Sendero Luminoso, the Liberation Tigers of Tamil Eelam and armed Sikh groups in Punjab were among those armed opposition groups that had perpetrated arbitrary killings on a horrific scale. Similar groups in Colombia, the Philippines and Kashmir, as well as in the Middle East, had resorted to hostage-taking. The Sudanese People's Liberation Army had carried out numerous summary executions in southern Sudan. Those abuses were wholly unacceptable, regardless of the form of conflict or its protagonists. Amnesty International's work in that area did not imply any judgement on the nature of the conflict: it opposed the abuses, not the entity that committed them, whether a Government or an opposition group. Its use of the neutral term "armed opposition group" was intended to confer no legitimacy and it was not for his organization to distinguish between legitimate and illegitimate rebellion.

29. Governments facing internal armed conflict frequently responded with particular hostility to criticism of their human rights record, accusing non-governmental organizations of bias or even of fomenting terrorism or alleging that undue attention was accorded to Government as opposed to opposition abuses. While stressing its condemnation of opposition abuses and working to halt them, his organization saw its proper priority as ensuring that Governments and their agents were fully accountable for their actions and could not violate the human rights of their citizens with impunity. Those Governments had accepted, and were bound by, international human rights standards and must thus respect them at all times. Violence by opposition groups should never be used to divert attention from, still less to justify,

human rights violations by Governments. Condemnation of abuses by opposition groups must stem from the same genuine respect for human life, security and liberty that compelled the highest standards of governmental observance of human rights law.

30. The Commission's primary function must be to promote the full observance by Governments of their international human rights commitments, no matter how difficult the context. In doing so, it must prove itself capable of finding new ways of responding to such situations. His organization welcomed the innovative programme for human rights protection and monitoring which had begun the previous year in El Salvador with the establishment of the United Nations Observer Mission in El Salvador (ONUSAL). As the principal human rights body of the United Nations, the Commission must ensure that human rights considerations were at the forefront of every such initiative.

31. Mr. JEAN (International Federation of Human Rights - FIDH) said that his organization was concerned at the fact that some massive violations of human rights were never dealt with in the Commission's public proceedings. Such was the case with Chad, where more than 10,000 persons had been summarily executed between 1982 and 1990 during the regime of Hissène Habre. Some of those responsible still held positions in the present security forces. On 1 December 1990, Colonel Idriss Deby had undertaken to restore democracy and respect for human rights. However, the report published the previous day by FIDH and its affiliate, the Ligue tchadienne des droits de l'homme, revealed that summary executions, disappearances, arrests and acts of torture continued unabated. Real power rested with irregular units of the former combatant forces, who were out of control. Scores continued to be settled between the rival factions who shared power, with members of ethnic groups and opposition parties arrested and executed without trial. In response to international pressure, President Deby had announced clemency measures on 24 January and some of the many persons detained since October 1991 had been released. Meanwhile, human rights activists, journalists and all those engaged in the democratic process were undergoing great risks. Only five days previously, the Vice-Chairman of the Ligue tchadienne, Joseph Behidi, had been murdered and there were fears, despite the positive, but wholly inadequate measures announced the previous day by the Government, that other defenders of human rights would shortly be summarily executed.

32. His organization was also concerned at the lack of public treatment of the human rights situation in Zaire. For several months, FIDH had been receiving alarming information from its affiliate, the Ligue zaïroise des droits de l'homme. The previous week, special intervention forces had opened fire on peaceful demonstrators, killing 32 persons, several of them children, injuring about 100 and arresting several hundred. In Zaire, as in Chad, defenders of human rights were risking their lives every day in order to keep the world - and the Commission - informed. His organization thus called upon the Commission to take public action to deal with those situations, so as to ensure that specific progress was made in the countries concerned and that, at the very least, the fate of the victims should not go unmentioned.

33. In Peru, which his organization had visited in 1991, the ambiguous statements made by President Fujimori, treating human rights organizations as accomplices of the guerrilla movements, gave grounds to fear for the lives of

defenders of human rights, particularly members of the Asociación Pro-Derechos Humanos, an affiliate of his organization. FIDH was aware that the Peruvian Government had to combat armed groups such as Sendero Luminoso, whose barbaric methods were wholly unjustified. It was also aware of the disastrous economic and social situation in Peru and of the Government's problems in combating drug trafficking. However, those factors could not justify systematic recourse to violence, the sole response of the Peruvian authorities to the situation. FIDH could not accept the maintenance of 43 per cent of Peru's territory and 58 per cent of its population under martial law, in a state of emergency dating back almost 10 years. Nor was it acceptable that the disappearances, summary executions and massacres, in 72 per cent of which the armed forces had been involved, should be tolerated and, to all intents and purposes, encouraged by the authorities, who, despite the submission of detailed case dossiers by his organization, took no action to punish those responsible. The Commission should call upon the Peruvian authorities to take the necessary steps for that purpose, at least by putting an end to impunity. To do so would make their difficult task of combating poverty, terrorism and the drug traffic easier and human rights would regain the supremacy that was at present so seriously threatened.

34. In conclusion, his organization urged the Commission to react vigorously to the serious violations of human rights taking place in Iran, in Tibet and in East Timor, from which there was at present no news of the fate of the demonstrators arrested since the terrible massacre reported in the international media.

35. Mr. SOLT (Hungary) took the Chair.

36. Mr. EMERY (International Association of Democratic Lawyers) said that an agreement on reconciliation, non-aggression, collaboration and trade between north and south had been concluded between the two Koreas on 13 December 1991, paving the way for the agreement on the denuclearization of the peninsula concluded on 31 December 1991. The first direct contacts between the Democratic People's Republic of Korea and the United States were now taking place and President Bush had proposed abandoning the present year's military manoeuvres in the Republic of Korea, which were a source of great tension between the two sides. The international media had treated those developments as if the question of Korea was already as good as settled. Consequently, the new dialogue was being used to conceal the continuing repression of opposition and violations of human rights in the south. Indeed, President Bush's assurances had led public opinion to believe that the only remaining unresolved issues concerned the north.

37. The facts were otherwise and the Commission should be informed of the true human rights situation in the Republic of Korea, which was constantly falsified or played down by most of the international media, inspired by the strategy and tactics of the United States. Between 1,500 and 3,800 persons were detained for political reasons, many of them serving very long sentences. Many prisoners suffered from serious illnesses as a result of ill-treatment and around 30 died in prison each year. Those freed had first to sign a recantation and remained under administrative surveillance after their release. He referred to the case of the student Rim Sou Kyeung, who had been sentenced to a long term of imprisonment on her return from attending the

World Youth Festival in Pyongyang in the summer of 1989, although evidence showed that she had refrained from adopting a political position throughout her stay in the north, simply affirming that she unreservedly supported the peaceful reunification of her country. She was thus only one of a number of citizens prosecuted and sentenced for taking the same initiatives subsequently adopted by the Government.

38. Violent suppression of demonstrations by the police and military and torture in places of detention were the rule. Large demonstrations had been brutally crushed in April, May and June 1991, with loss of life and serious injury. Medieval methods of torture were giving way to more sophisticated methods, which left no visible traces. The sophisticated equipment used for the purpose was imported from the United States and Japan. The Declaration on the Protection of All Persons from Being Subjected to Torture, unanimously adopted by the United Nations on 9 December 1975, was thus systematically violated. Many young people had committed suicide in protest against the practices of Roh Tae Woo's regime, as was confirmed by Amnesty International.

39. Despite the détente with the north, all legal provisions affecting the human rights of students, churchmen, trade unionists and leaders of the parliamentary opposition remained in force. His organization thus called for the release of political detainees as a concrete expression of the will for reconciliation and cooperation with the north; for an end to torture and attacks on human dignity and public freedoms; and for a revision of the legal system of the Republic of Korea regarding human rights and public freedoms.

40. Turning to the situation in Western Sahara, he said that, only a matter of days before the date initially scheduled for the referendum to determine the status of the territory, the Moroccan authorities had arrested more than 400 Saharan civilians, of whom nothing had since been heard, despite the presence of the United Nations Mission for the Referendum in Western Sahara, whose presence should be an additional guarantee of safety for the population.

41. Did the United Nations have no means of dissuading Morocco from continuing with those arrests? Recent reports from authorized sources confirmed that Morocco was monitoring every movement of the United Nations peace-keeping forces, which were being denied any contact with the population. Western Sahara was in a state of siege, with the United Nations representatives confined in areas from which they could not move without the knowledge of the Moroccan security forces and with the population reduced to silence. Since 1975, Morocco had refused the Saharan people the self-determination called for by the United Nations in the peace plan contained in resolution 658, adopted unanimously by the Security Council in June 1990. The Commission must work to ensure that, in the course of 1992, the referendum went ahead as planned. Any further delay would mean more arrests and disappearances among the defenceless population.

42. Ms. NUÑEZ (Commission for the Defence of Human Rights in Central America) said that violations of fundamental human rights, social and economic injustice, the persistent military domination of some countries and impunity continued to be undeniable features of the Central American scene, with countless persons suffering intimidation and death in every conceivable form.

The region had also been affected by external aggression, with Nicaragua and Cuba the victims of economic blockades and Panama subjected to actual military invasion that had resulted in thousands of deaths and disappearances.

43. The new decade had brought with it a new type of repression in Central America which took the form of the widespread application of structural adjustment measures, in addition to the physical repression of workers demanding stable employment and better wages to enable them to enjoy the right to a dignified existence. For example, in Nicaragua in 1991, anti-riot police had been used against workers on 11 occasions and similar incidents had taken place in Honduras. Nevertheless, her organization wished to focus attention on El Salvador and Guatemala, where the situation was at its most serious. Human rights activists and members of humanitarian and people's organizations had continued to be intimidated in El Salvador during 1991, as confirmed by the Special Representative of the Commission in his report contained in document E/CN.4/1992/32. The Salvadorian Human Rights Commission had since reported continuing threats to its members, one of whom had been imprisoned and interrogated. During 1991, a total of 663 persons had been held illegally, 157 had been detained or had disappeared and 1,035 had been murdered. Intimidation by the death squads, particularly the "Frente Anticommunista Salvadoreño, had even affected the United Nations mission, ONUSAL.

44. The agreement reached between the Government and the Frente Farabundo Martí para la Liberación Nacional was a step towards the building of peace. Her delegation agreed with the Special Representative's comment that there was a serious and alarming gap between proclaimed intentions and results. The United Nations and, ultimately, the Commission therefore had a responsibility to continue supporting the peace efforts of the Salvadorian people, to maintain the Special Representative in his monitoring capacity and to strengthen the role of the human rights division of ONUSAL. In order to consolidate the recently initiated process and to attain the proposed objectives, it was also essential to achieve an unrestricted suspension of actions that violated human rights. She was referring to the murder on 4 February 1992 of Mr. Omar de la Paz González, Justice of the Peace, and of Argentina Argeta, a member of the National Federation of Agricultural Cooperatives.

45. With regard to Guatemala, her organization agreed with the statement in the report by the Independent Expert of the Commission (E/CN.4/1992/5) that one difficulty which Guatemala had faced and continued to face was that of translating the noble principles of the protection of human life and the integrity and security of the human person into reality for all citizens of the country. However, the detailed account of human rights violations given in the report showed that the expressed will of the Government and its policies were far from ensuring the proper enjoyment of those rights. In that respect, the number of Guatemalan and foreign victims continued to increase in that country year after year. While it was true that the President of Guatemala had taken various measures to give effect to those rights, the majority of the population continued to be subjected to abuse by the military, the police and paramilitary groups.

46. A similar situation faced some 45,000 Guatemalan refugees in Mexico who had still not been able to return to Guatemala and were being denied almost all the rights to which every Guatemalan citizen was entitled.

47. As in previous years, the Independent Expert stated that only the victims and not the authors of the most violent crimes could be identified and that the most difficult question to answer was the extent to which State bodies or public officials were involved in violent crimes. Nevertheless, many reports from national and international human rights organizations, Government and other institutions and the victims of violence themselves identified the country's military and security forces as those responsible for the commission of those violent acts.

48. Violations of human rights in Guatemala continued to be systematic and serious and were the expression of military doctrines and policies which denied the enjoyment of basic rights. They were not committed by a few officials acting on their own, but the logical outcome of a strategy successfully applied for more than three decades in Guatemala.

49. Her delegation requested the Commission to renew the mandate of the Special Representative for El Salvador and to continue supporting the peace efforts initiated in that country. It also requested the Commission to continue to follow closely the human rights situation in Guatemala through the appointment of a special rapporteur on human rights.

50. Mr. OZDEN (Centre Europe-Tiers Monde), referring to the situation in Haiti, said that, since 30 September 1991, when President Aristide had been deposed, more than 1,500 persons had been killed. The assassinations, disappearances and arrests continued and, for those reasons, his organization urged the Commission to appoint once again a special rapporteur for Haiti.

51. He also drew attention to the situation in Burundi, where massacres had taken the lives of hundreds of thousands of persons, mainly members of the Hutu tribe, while thousands of others had had to flee the country. In November and December 1991, the events had led to the deaths of at least 3,000 persons and the flight of 50,000 to Zaire and Rwanda. In view of that situation, his organization hoped that the international community, in particular the Commission on Human Rights, would persuade Burundi to hold a round table that would bring together persons representing the Government, the various ethnic groups, the refugees, the host countries of the refugees and international organizations seeking to ensure respect for human rights in the country.

52. With regard to Morocco, he said that, for several years, whenever his delegation had given the names of persons who had disappeared or been imprisoned, it had been told that it was mistaken and that those persons did not exist.

53. His organization had welcomed the releases that had taken place in recent months. Abraham Serfaty had been released because of his Brazilian nationality. Tazmamart had been razed to the ground after the Moroccan Government had stated on several occasions that the prison existed only in the

minds of persons who wished to harm Morocco. However, the Tazmamart case was not finished. Thirty-four persons belonging to the military had been imprisoned in Tazmamart and had not yet reappeared. His organization appealed to the Commission to send an official commission of inquiry to Morocco to meet with those who had escaped from Tazmamart. He recalled that a humanitarian mission composed of physicians sent by several non-governmental organizations had gone to Morocco, but had been unable to meet with them. Steps must be taken to save all the missing persons and prisoners of conscience who continued to die in Moroccan prisons.

54. Those prisons still held many Saharan prisoners. In that connection, he referred to Mohammad Nadrani, who had recently succeeded in leaving Morocco after having been kidnapped nine years previously and who had described the terrible conditions in which he had been imprisoned at Agdez.

55. His organization had believed, as a result of the Security Council's adoption in April 1991 of the peace plan for Western Sahara, that Morocco would release all the Saharans imprisoned in its jails. That had not been the case. On the contrary, the world was witnessing the arrests of many young persons in the occupied areas of Western Sahara who were protesting against the existing situation.

56. The Saharans were prohibited from entering into contact with the United Nations forces in Western Sahara under the threat of imprisonment. At least 40,000 persons had already been deported from Morocco to Western Sahara in order to place the United Nations before a fait accompli with regard to the criteria governing the selection of voters. The few journalists who had visited the area had reported on the extremely tight surveillance existing in a country where the inhabitants should have already been able to express themselves freely with regard to their future. Everyone knew who was placing obstacles in the way of peace and who continued to violate human rights. His organization therefore urged the Commission to appoint a commission of inquiry to visit Western Sahara in order to verify the violations of fundamental freedoms, to meet with missing persons who had returned to Western Sahara and to obtain news concerning the long list of hundreds of missing Saharans drawn up by the association of families of prisoners and missing Saharans.

57. Mr. VITTORI (Pax Christi International) said that war benefited no one. The Gulf war had given rise to innumerable violations of human rights. The Kuwaitis who had remained in the country had been subjected to the cruelties of occupation without finding at the end of that period the democracy they had been entitled to expect. The Palestinians had been victims of a veritable pogrom before the very eyes of the combined forces which had done nothing to prevent it. The Kurds of Iraq, invited to revolt by a triumphant Head of State, had been massacred or forced to take refuge in the mountains between two countries which occupied Kurdistan. The Shi'ites of Iraq had also been misled and abandoned. So-called surgical military operations had been the result of a bacteriological war which was continuing to inflict suffering on children and the elderly. Instead of helping the civilian population, a strict embargo was being maintained and was all the more severe in that it had been lifted in favour of the military regime in Haiti. A double standards policy was continuing to be applied.

58. The military intervention by the Security Council had primarily served the economic and strategic interests of a great Power and absolved a few dictatorships, for the price of their support, of their violations of human rights.

59. The Special Rapporteur on torture, who had submitted a report on Timor, had been on the island at the time of the November 1991 massacre, which had been described by two American journalists who had been eyewitnesses and spoken on behalf of Pax Christi International. He would like to know for what economic and diplomatic interests the Timorans were being sacrificed and the resolutions of the Security Council ignored. His organization renewed its request for the holding of a referendum that would enable the people of Timor to express their wishes in freedom.

60. The new international order was making no headway against the arrogance of a Government that had been requested to negotiate peace in the Middle East. The United Nations was kept away from the negotiating table and its resolutions ignored; the Palestinian people had not been formally recognized as a full party to the negotiations of which it was the primary concern. His organization hoped that the action of the forces of peace in Israel, in the United States and in the world would awaken the conscience of the international community.

61. The military occupation of Kurdistan, Timor, Tibet and Palestine had many points in common with that of Kuwait by Iraq, but the most obvious analogy was the repression of the population and the non-application of the fourth Geneva Convention, which should be applied everywhere, no matter who was the oppressor and who was the oppressed.

62. Iran also hoped to benefit from its attitude during the Gulf war and to make the world forget the frightful terror that prevailed in the country. Far from decreasing, the number of arbitrary arrests, torture and executions had increased in the past year. The call for the murder of a United Kingdom writer was still in force and Iranian diplomats had been questioned with good reason by the Swiss and French police in connection with murders committed in their territory. The Commission's favourable attitude towards that country should not prevent it from extending the mandate of the Special Rapporteur and adopting the resolution submitted to it.

63. The civil war was continuing to cause bloodshed in Sri Lanka. Many innocent persons were victims of mistreatment through Government decisions and actions by paramilitary groups. It was urgently necessary that negotiations for a genuine peace should be held under United Nations auspices.

64. It had not been possible for the referendum in Western Sahara to be held. Morocco, which had released a number of political prisoners whose existence it had long denied, was not making the work of MINURSO any easier. The United Nations should be able to have the necessary means for the preparation and holding of a referendum that would clearly express the will of the Saharan people.

65. In Europe, peoples were dismantling the political structures that had been imposed on them by totalitarian States. His delegation was concerned at

the fighting and atrocities taking place in Yugoslavia and in some parts of the former Soviet Union. The international community could not allow horrible crimes to be committed with impunity under cover of the principle of national sovereignty. New international rules had to be prepared that would determine the conditions and form of intervention that were justified by the duty to help a people or a population in danger. The dispatch of a large number of "blue helmets" to Croatia would offer both protection for the population and an opportunity for peace. He wondered how many lives could have been saved if United Nations forces had been able to intervene sooner and would be saved if they could also be deployed in other areas such as Kosovo.

66. In Northern Ireland, human rights were constantly being violated by paramilitary groups, but also by the United Kingdom administration, which had just released several "loyalist" members of paramilitary forces sentenced to life imprisonment for terrorist acts. Pax Christi was resolutely associated with other NGOs in forming links that should make it possible to establish a realistic and honest dialogue between these two communities. It hoped that the two parties would request United Nations assistance in order to help them to find a fair solution.

67. His organization welcomed the arrangement negotiated by the Salvadorians and regarded it as a precursor for a similar solution in Guatemala, where the majority Indian population was reduced to virtual slavery and cruelly repressed whenever it manifested its legitimate aspirations for a better life in freedom, dignity and justice. In that connection, he referred to the arbitrary arrests, extrajudicial executions and bombing of villages that had been observed by the United Nations expert in October 1991. The expert's mission should be extended and he should be invited to give particular attention to the situation of indigenous populations. It would be appropriate if the Commission adopted a resolution that would bring pressure to bear on the parties so that they would continue to negotiate the implementation of the July 1991 Queretaro agreement.

68. His delegation admired the courage of Father Ricardo Rezende, a priest in the State of Para in Brazil who had risked his life to address the Commission in order to tell the world about the suffering of peasants and forest workers reduced to slavery by powerful landowners. Killers hired by them were frequently police officers and the Brazilian Government was unable to ensure respect for the law.

69. The previous year, his organization had denounced the fact that death squads hunted down street children in several major Brazilian cities and killed them as if they were harmful animals. Unfortunately, that hateful practice had not ceased. Brazil was a large country where numerous serious violations of various kinds took place. For those reasons, his organization hoped that the Commission would consider including the situation in Brazil in the agenda item under discussion.

70. The military coup d'état in Haiti had been condemned by the international community and the strictly applied trade embargo was to have brought the dictatorship to its knees within a month. Unfortunately, the Dominican Republic was not observing it and it was not being effectively monitored by the United States. In early February, President Bush, citing humanitarian

reasons, had decided to reduce the embargo. In the meantime, thousands of Haitians had been killed or wounded by military, police and paramilitary forces. Democratic countries had a duty to do everything possible to ensure the failure of the coup d'état. Turning back Haitian refugees to be handed over to their potential executioners was a cruelty which should end immediately.

71. Mr. ROSSI (International Association for Religious Freedom) said the historic changes that had taken place recently in eastern European countries had shown the entire world that the totalitarian regimes which had governed them had committed grave violations of human rights and fundamental freedoms despite repeated statements to the contrary by their representatives in the Commission.

72. His delegation welcomed the progress made in central and eastern Europe and hoped that other countries would move rapidly towards genuine democracy and full respect for human rights.

73. However, it was concerned about the rise of political movements founded on a particular religion and seeking to instal an authoritarian regime by imposing the standards of a single religion on a pluralist society. A striking example was the Islamic Salvation Front, an Algerian movement whose aim was to establish a non-democratic State governed by the laws of a single religion. It was quite normal to rely on the elements of one's religion to combat corruption, unemployment, poverty and the inefficiency of the authorities, but the imposition of the standards of a religion by law was unacceptable, particularly if those standards were not in accordance with the human rights proclaimed in international instruments. Unfortunately, some Governments adopted that position, which they regarded as legitimate. In that regard, the Sudanese authorities had adopted articles in their Penal Code providing for the death penalty for anyone who renounced the majority religion and for stoning in the case of adultery. In July 1991, the head of the Sudanese delegation to the Human Rights Committee had tried to justify his Government's position by saying that a large number of Muslim countries were undergoing a broad reform movement aimed at removing from their legislation all elements contrary to the principles of Islamic law. He had also said that some Islamic laws were not in conformity with the provisions of the Covenant and that it was therefore necessary to adapt that instrument to the Islamization movement, which was recent, and to amend the wording of the Covenant, which was out of date.

74. It was therefore not surprising that, in countries where the Shariah was applied, massive and systematic violations of human rights took place, as was the case in the Islamic Republic of Iran and Saudi Arabia.

75. He stressed that his comments could in no way be interpreted as an attack against Islam or Muslims. His association respected all religions and did not agree with those who gave Islam a false image of intolerance and violence.

76. The Koran, unlike the Shariah, did not provide for the death penalty for someone who renounced Islam. His organization believed that Islam, like the other major religions, taught tolerance, liberty and respect for the dignity of every human being. It agreed with eminent Muslim personalities who said

that Islam was a progressive religion in harmony with internationally recognized human rights. It welcomed the efforts of Governments with a Muslim majority that were fighting against extremist positions. In that connection, he welcomed the statement by King Hussein of Jordan that religion should not be used as a political instrument. That statement should move certain quarters which tended to represent Muslims as enemies of progress and human rights to change their mind.

77. The international community should trust its Muslim brothers and help them in their efforts to bring about democracy and respect for human rights.

78. Mr. ANTONIO (Observer for Haiti) said that Haiti had a long history of human rights violations, traditionally committed by the authorities. For decades, they had established structures that had institutionalized violence and terror in the relationship between those who governed and those who were governed. The reality imposed on the great majority of the Haitian population by various Haitian regimes had always been that of the systematic practice of State terrorism and governmental corruption. In that context, respect for human rights in Haiti took the form of the political fight against adversaries and sectors of Haitian society which pursued a path that had nothing to do with the concern about respect for fundamental freedoms expressed in the Commission.

79. The Haitian people had understood the need for that fight as a prerequisite for any possibility of enjoying their legitimate rights as human beings. An important stage in that long fight had been reached in February 1986, when the Haitian people had compelled the dictator Jean-Claude Duvalier to abandon the reins of power. The second stage had been the adoption, in March 1987, of a democratic Constitution which, despite its weaknesses, would enable the Haitian population to establish a society of justice in which the fruit of its labour would be more equitably distributed.

80. On 16 December 1990, on the occasion of the first genuinely democratic elections ever held in the country, the Haitian people had clearly expressed its political desire to determine its own future. With about 70 per cent of the votes, a President had been elected with a mandate to organize a democratic society based on political participation, social and economic justice and respect for fundamental freedoms. On that occasion, the United Nations which had ensured the proper conduct of the elections, had announced to the world the success of the electoral process.

81. In 1991, the Haitian delegation had informed the Commission that the policy of promoting human rights and individual freedoms had been adopted as a priority element of the new Government's programme. Over a period of eight months, the legitimate Government of Haiti had continually acted along those lines. The first difficult achievements had made it possible to believe that the Haitian dream to build that new humanitarian society could be achieved.

82. The coup d'état of 29 September 1991, carried out by political, economic and social sectors opposed to the ongoing reforms, had forced President Aristide to abandon the reins of power and to leave the country.

The de facto regime imposed by the military with the complicity of Mr. Honorat continued to weigh heavily on the country, temporarily halting the democratic experiment begun in December 1990.

83. Attention should be drawn to the fact that, since the coup d'état, some 2,000 persons had died, 2,000 had been subjected to arbitrary arrest and 600 had been wounded. As a result of the coup, the country's economic and industrial potential had been destroyed, the gap between the small handful of rich persons and the multitude of poor had widened, 300,000 persons had fled to the countryside and 20,000 had gone abroad in search of political asylum.

84. A number of speakers had referred to the situation of Haitian asylum seekers throughout the world and particularly in the United States. It was their tragic experiences since the military putsch that had impelled many Haitian citizens either to become internal refugees or to leave their country to seek refuge elsewhere. During the period of the actual exercise of power in Haiti by President Aristide, the number of Haitian candidates for emigration had become insignificant. The sudden increase in that number since the coup d'état of 29 September 1991 had made the distinction between political and economic refugees unrealistic. Those refugees, like the vast majority of the Haitian people, rejected a de facto power which had nothing to offer to the country. His delegation had noted with resentment that, following the order to turn back refugees from United States territory, the doors of Europe were also being closed to them. In France, the refugees had failed to find the welcome and tolerance they had hoped for, while, in Switzerland, a permit had been introduced for presentation on embarkation and at borders.

85. Officially, friendly countries were taking part in efforts to restore constitutional order in Haiti and return President Aristide as Head of State. His delegation was well aware that those countries could not on their own relieve all the world's suffering. The solution to the Haitian refugee problem necessarily depended on a political solution with a view to the restoration of constitutional order, but temporary measures could surely be envisaged to receive Haitian asylum seekers for the duration of the crisis while considering the conditions for their repatriation once the situation had been remedied in accordance with the Haitian Constitution. His delegation was grateful to the Office of the United Nations High Commissioner for Refugees for its activities in favour of asylum seekers.

86. As a result of repression and extortion by the de facto power, the Haitian people was becoming daily more confirmed in the choice it had made 15 months earlier. It had developed a non-violent but strong and determined resistance with due priority accorded to the law. To combat the logic of terror, the international community had to affirm its role as guarantor of the rule of law. It had already done so recently by guaranteeing the proper conduct and security of the December 1990 elections in Haiti. It had the necessary weight and competence to act without any impediment to the clearly expressed will of the Haitian people.

87. Emissaries of the revolutionaries were now contacting and courting international centres and diplomatic missions with a view to submitting a resolution to the Commission condemning, among other things, the embargo which

had been imposed on the Honorat-Cedras Government by the members of the Organization of American States and with the support of the United Nations and which did not affect essential and humanitarian items for the Haitian people. If the embargo had been respected within the strict limits imposed, the rebels would have left long before. Every drop of petrol delivered meant several days' more power for the adventurers, who offered the country only terror and frustration. He hoped that the international community would assume its responsibilities.

88. His delegation urged the Commission firmly to condemn the coup d'état and the violations committed since 29 September 1991 by the present holders of power in Haiti and to demand and work for the return of President Aristide to power, with all the rights and responsibilities provided for by the 1987 Constitution. It recommended that the case of Haiti should be considered under agenda item 12 and not under agenda item 19; that a special rapporteur should be appointed to monitor the situation of human rights in Haiti and report on it to the Commission; that judicial inquiries and proceedings should be instituted in connection with all violations committed since the coup d'état of 29 September, that responsibility for such violations should be established and that the victims should be compensated. That would require some slight changes in the Haitian legal system and the effective separation of the police and the army. His delegation requested the Commission to monitor that process, which was essential for the restoration of democracy in Haiti.

89. Mr. VEUTHEY (International Committee of the Red Cross) welcomed the action taken by the Society of Friends, the World Council of Churches and Caritas International and supported by a number of Governments, which had led to the adoption of Commission resolution 1991/25 on internally displaced persons. A number of speakers had stressed the scope of the problem which was posed by displaced persons and affected all continents. Although there were many causes of such displacements, armed conflicts were among the most frequent and it was on their humanitarian consequences, particularly with regard to displacement of populations, that ICRC wished to share its concern with the Commission.

90. In situations of armed conflict, civilians were often in a double bind: if they stayed where they were, they suffered the effects of hostilities such as attacks, bombardment and starvation used as a means of pressure and they could find themselves without any means of subsistence or medical care because of the disintegration of the economic and social infrastructure. If they fled, they were in danger of arrest, summary execution or disappearance. Such population movements might also become forced movements when the armed forces used them to isolate the insurgents.

91. Armed conflicts required the implementation of international humanitarian law, which was designed to protect all military and civilian victims of both international and non-international armed conflicts with no distinction, except for certain very specific provisions, between refugees and displaced persons.

92. International humanitarian law consisted primarily of the four Geneva Conventions of 12 August 1949 and the Additional Protocols of 1977.

93. It was mainly non-international armed conflicts that gave rise to mass internal displacements of persons. In such cases, article 3 common to the four Geneva Conventions of 1949, and additional Protocol II of 1977, were applicable. Those two international humanitarian law instruments accorded protection to victims of such conflicts and, thus, to displaced persons.

94. Additional Protocol II contained basic rules on the protection of the civilian population against the effects of hostilities: article 13, paragraph 2, provided that civilians must not be subjected to attack; under article 14, starvation of the civilian population was prohibited as a method of combat and goods essential for the civilian population's survival were subject to special protection; article 18, paragraph 2, stated that, when the civilian population suffered excessive hardship and the local authorities were unable to relieve it, those authorities must agree to relief action of an exclusively humanitarian and impartial nature, carried out without any unfavourable distinction; and article 17 expressly prohibited displacements of populations.

95. Respect for the rules and principles of international humanitarian law for the protection of civilians against the effects of hostilities tended to prevent displacements of populations. Conversely, when those rules and principles were not respected, civilians often had no other course but to flee. In recent years, ICRC had been able to take action, often in collaboration with national Red Cross or Red Crescent societies, in favour of displaced persons. More than 80 per cent of ICRC's operational budget in 1991 had been devoted to assistance to and protection of civilians. Its operational activities in that area included approaches to Governments and other parties to conflicts to persuade them to accept and apply the rules and principles of international humanitarian law, sometimes, as in the case of El Salvador and Yugoslavia, in the form of meetings of plenipotentiaries of the parties to the conflict at ICRC headquarters; active protection through the deployment of delegates in sensitive areas, access to refugee camps and visits to places of detention; medical and orthopaedic assistance; emergency nutritional and material assistance, which had helped to keep populations from moving and thus to avoid or contain the phenomenon of mass flight and new refugee concentrations; preparation of reception infrastructures and construction of camps when so required; and tracing of persons and reunification of families.

96. Instead of trying to adopt new regulations in favour of particular categories of civilians or a new codification that might legitimate measures by belligerants to encourage the displacement of populations, the existing international humanitarian law principles should be reaffirmed, States that had not yet ratified the two Additional Protocols of 1977 should be invited to do so and it should be stressed that the provisions of the Protocols, together with all rules relating to the conduct of hostilities, should be fully respected in all existing conflicts.

97. In cases other than armed conflict, in which international humanitarian law was not applicable, ICRC could still offer its services on the basis of

the Statutes of the International Red Cross and Red Crescent Movement (art. 5, para. 3). In situations of internal disturbance or tension, which could also cause population displacements, the formulation and adoption of a code of conduct covering all essential humanitarian guarantees might be envisaged.

98. ICRC had drawn a number of important conclusions from operations in the Gulf, Somalia and Yugoslavia. Prompt and extensive action in northern Iraq would have been impossible without a permanent ICRC presence in Baghdad and the establishment of sustained dialogue with the Iraqi authorities since 1980, when the conflict between Iraq and Iran had begun. ICRC had been looked upon as neutral and independent. In the case of Kurdistan, it had been shown that prompt and effective action could be carried out only with the agreement and cooperation of centres of power in the territories where the fighting took place or where people sought refuge. Assistance and protection for 1.5 million persons could not be provided under cover or by merely symbolic action. Dialogue with all parties and respect for the rules and criteria of humanitarian action were essential.

99. In southern Iraq, the rehabilitation of health and medical infrastructures was the most urgent problem. Urgency could not be a pretext for rudimentary measures, since what were needed were high-level technical skills and renewed cooperation between the private and humanitarian sectors. ICRC had decided to act first in the Shi'ite south of the country and then in the Kurdish north. That order of priority did not correspond to the emergency image portrayed by the media, but reflected real needs.

100. In Yugoslavia, the possibility of action on behalf of civilian populations had been determined by three factors: a global concept of action to meet the various needs of the civilian population in such areas as family dispersal, hospital neutralization, respect for the rules of international humanitarian law, visits and exchanges of prisoners and relief and protection of displaced persons; sustained dialogue with the representatives of the political and military parties to the conflict; and a watertight separation between political and humanitarian activities in order to avoid any overlapping.

101. The case of Somalia had highlighted other difficulties to be overcome by humanitarian action. Some conflicts gave rise to disturbances of such intensity that humanitarian action of the necessary scope and urgency was extremely limited. ICRC, which had been one of a very few organizations present throughout the crisis, wished to raise the question of the collective responsibility of the international community and intergovornmental agencies. Without the restoration of minimum security, humanitarian action could not reach all the victims. It was to be hoped that the ongoing diplomatic efforts would be successful.

102. Humanitarian cooperation involved many more workers and sectors than was generally supposed and called for a good understanding of the operational mandates and capacities of the various humanitarian partners and for some standardization of the criteria and methods of work negotiated with the parties to the conflict and third States. Organizations concerned with displaced persons must work together, share their information and cooperate in a spirit of solidarity. Humanitarian organizations must always maintain their

neutrality and impartiality in order to ensure that relief and protection could be given to those most in need. Emphasis should also be placed on the complementarity between assistance and protection.

103. Action in favour of displaced persons was inseparable from the faithful implementation of the rules on the conduct of hostilities and all rules and principles of international humanitarian law.

104. Mr. MUTUALE (Observer for Zaire), speaking in exercise of the right of reply, said that his delegation had carefully followed the statements made by the United States representative, the representative of Portugal on behalf of the European Community, the International Federation of Human Rights and Pax Christi International. He had no mandate to spurn their friendship or to discourage their interest in Zaire, but they should not use interest in a friendly nation as a pretext to judge or criticize that nation too harshly. Nor should they make light of everything Zaire had done in the field of human rights. His country realized that much remained to be done, but its efforts in that field had been considerable. It had opened its doors to everyone so that the results of those efforts could be seen and so that those who so wished could provide advice, services and financial assistance. The democracy that had begun to be established in April 1990 was causing a political upheaval and there had been an explosion in respect of rights and freedoms.

105. The President of the Conférence Nationale Souveraine and the Prime Minister of Zaire had held a meeting with President Mobutu and were arranging for the resumption of the work of the Conference. That was considered a vital necessity and not merely a political option.

106. Mr. ILICAK (Observer for Turkey), speaking in exercise of the right of reply, recalled that, at the 35th meeting, the representative of Portugal, speaking on behalf of the European Community, had referred to certain questions relating to the situation of human rights in Turkey. He thanked him for having thus expressed the Community's interest in his country.

107. He also thanked the representative of Portugal for the efforts made by the authorities of the member States of the Community to curb the rise of racism and xenophobia in Europe. For obvious reasons, his delegation was a very attentive observer of the situation and would continue to be so in the future in order to assess what was being done to implement the measures announced on a number of occasions by the authorities of the countries in question.

108. Mr. GUBAKTALLA (Observer for Sudan), speaking in exercise of the right of reply, said that the allegations made by the representatives of Survival International and Amnesty International concerning mistreatment and repression of two tribes in his country were unfounded. The campaign by those organizations was based on ignorance of what was taking place in the areas where those tribes lived. The security situation in those areas was one of the worst in the country and the people had requested the Government to protect them from terrorist groups. The Government could not be blamed for complying with that request and providing the necessary security and a decent standard of living. There were two prominent members of the tribes concerned

in the local command council. He wondered whether the comments of the two organizations had been made in an attempt to play on ethnic and tribal differences.

109. His Government had consistently endeavoured to implement the federal system which allowed the citizens of the various governorates to choose their own rulers, laws and administration, and his delegation had stressed that fact repeatedly in meetings of the Commission and other bodies. As had been acknowledged in the statement by Survival International, the rebellion had been the cause of the sectarian conflict and the Government was trying to halt the infiltration by the rebels in the areas concerned. There should be no further allegations of the kind the two organizations had made. It was wrong to consider members of a rebellion or of an armed group as heroes because they took up arms against the Government and to accuse the Government of human rights violations because it was trying to protect unarmed civilians against armed bands.

110. Mr. HUSSEIN (Iraq), speaking in exercise of the right of reply, said that the representative of Portugal, speaking on behalf of the European Community at the Commission's 35th meeting, had accused Iraq of being responsible for violations of the rights of the Iraqi people caused by the embargo. The entire people of Iraq was suffering because of the collective punishment imposed on it, and that situation should be unacceptable to the international conscience and to the Western civilization to which the representative of Portugal belonged and which claimed to give a prominent place to human rights throughout the world.

111. It appeared from what the representative of Portugal had said that the Iraqi people was to remain hostage to political will. There was no justice that could permit a people to be held hostage and deprived of the enjoyment of its most basic rights for political reasons unconnected with the provision of food and medicine. The Iraqi people would not forget what had been done to it by those who spoke in the name of Western civilization about democracy, human rights, the dignity of man and the right to life. Their logic was contrary to history and to human life and dignity.

112. Iraq had fulfilled all its commitments under Security Council resolution 687 (1990) and the Security Council must therefore lift the economic embargo, for which there was no longer any legal basis. The continuation of the illegal economic blockade would have extremely serious consequences for the Iraqi people and would be tantamount to genocide. It was the Western group that would have to bear international responsibility for that heinous crime against the 18 million inhabitants of his country.

113. Mr. ENNACEUR (Tunisia) said that the statement by Amnesty International about the situation in Tunisia had astonished his delegation, since it was based on unfounded allegations which his delegation had duly refuted. Amnesty International was fully aware of Tunisia's accomplishments in the field of human rights since 7 November 1987 and of its irreversible commitment to democracy and the protection of human rights. Tunisia had been the first African country to grant a legal permit to a local section of Amnesty International and it maintained a confident relationship with that organization. An Amnesty delegation had visited Tunis at the beginning of

December 1991 and had been received by several members of the Government, who had responded to all its legitimate points of concern. As explained by the Minister for Foreign Affairs of Tunisia in his statement of 6 February 1992, the Government's comments and replies, both as to conditions of detention and the interrogation of persons detained in connection with proceedings against groups connected with the extremist al-Nahda movement, had been based on a concern for dialogue, truth and transparency.

114. The same applied to his Government's relationship with humanitarian organizations, associations of lawyers and the Tunisian League for the Defence of Human Rights. In June 1991, the Head of State had invited the President of the Committee for Human Rights and Public Freedoms to establish a commission of inquiry on allegations of torture. The commission had submitted its conclusions to the Head of State and action had been taken against officials who had violated the legislation in force. His Government had described those developments in its communications with Amnesty International and the Centre for Human Rights and it was unfortunate that Amnesty International had not seen fit to take them into account. Its partial attitude could only damage its credibility.

115. The representative of Amnesty International had recognized implicitly in his statement that the proceedings to which he had referred had been instituted against persons who had resorted to violence. Amnesty's vocation was to support persons who had been persecuted because of their ideas and opinions and who had not resorted to violence. His Government was concerned to safeguard the rule of law against certain deplorable excesses. As affirmed by the Minister for Foreign Affairs, Tunisia rejected extremism and fanaticism and respected human rights and the rule of law and his Government had clearly stated its desire to spare other countries and civil societies from the spiral of violence created by those who, under cover of religion, sought to achieve their theocratic aims by violence and terror.

The meeting rose at 9.10 p.m.